

A
COLLECTION
OF
STATUTES
CONNECTED WITH THE
GENERAL ADMINISTRATION OF THE LAW;

ARRANGED

ACCORDING TO

THE ORDER OF SUBJECTS,

WITH NOTES,

BY

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PART V. CLASS VII.

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[Inserted Pt. III. Cl. XIII. No. 9.]

No. 2.

21 Henry VIII. c. 7.—Servants imbezling their Masters' Goods to the Value of forty Shillings, or above, shall be punished as Felons.

WHERE before this Time divers, as well Noblemen, as other the King's Subjects, have upon Confidence and Trust delivered unto their Servants, their Caskets, and other Jewels, Money, Goods, and Chattels, safely to be kept to the Use of their said Masters or Mistresses, and after such Delivery the said Servants have withdrawn themselves, and gone away from their said Masters or Mistresses, with the said Caskets, Jewels, Money, Goods, and Chattels, or Part thereof, to the Intent to steal the same, and defraud their said Masters or Mistresses thereof, and sometime being with their said Masters or Mistresses, have converted the said Jewels, Money, and other Chattels, or Part thereof, to their own Use, which Misbehaviour so done was doubtful in the Common Law, whether it were Felony or not; and by Reason thereof the aforesaid Servants have been in great Boldness to commit such or like Offences: Be it therefore enacted, ordained, and established by the King our Sovereign Lord, by the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by

No. 2.

21 Henry VIII. c. 7.

No. 2. Authority of the same, That all and singular such Servants, (1.)
 21 Henry VIII. to whom any such Caskets, Jewels, Money, Goods, or Chat-
 tles, by his or their said Masters or Mistresses, (2.) shall
 c. 2.
 from henceforth so be delivered to keep, (3.) that if any such
 Servant or Servants withdraw him or them from their said
 Masters and Mistresses, and go away with the said Caskets,
 Jewels, Money, Goods, or other Chattels, or any Part thereof,
 to the Intent to steal the same, and defraud his or their said
 Masters or Mistresses thereof, contrary to the Trust and Con-
 fidence to him or them put by his or their said Masters or
 Mistresses, or else being in the Service of his said Master or
 Mistress, without Assent or Commandment of his Masters or
 Mistresses, he imbezil the same Caskets, Jewels, Money,
 Goods; or Chattles, or any Part thereof, or otherwise convert
 the same to his own Use, with like Purpose to steal it, that
 if the said Caskets, Jewels, Money, Goods, or Chattles, that
 any such Servant shall so go away with, or which he shall
 imbezil with Purpose to steal it, as is aforesaid, be of the
 Value of *xl. s.* or above, that then the same false, fraudulent,
 and untrue Act or Demeanour, from henceforth shall be
 deemed and adjudged Felony; and he or they so offending,
 to be punished, as other Felons be punished for Felonies com-
 mitted, by the Course of the Common Law. (4.)

This Statute
 shall not extend
 to an Appren-
 tice, or one with-
 in 18 Years of
 Age.

II. Provided alway, That this Act, or any Thing therein contained, shall not in any wise extend, or be prejudicial to any Apprentice or Apprentices, nor to any Person within the Age of eighteen Years, going away with his or their Masters Goods or Jewels, or otherwise converting the same to his or their own Uses, during the Time of their Apprenticeship, or being within the Age of Eighteen Years, but that every Apprentice or Apprentices, such Person or Persons being within the said Age, doing or offending contrary to this present Act, shall be, and stand in like Case as they and every of them were before the making of this Act; the same Act to continue and endure unto the next Parliament.

(1.) To bring a Case within the Statute, the Offender must be a Servant both at the Time of the Delivery and the Stealing. The Case of a Delivery to one afterwards taken as a Servant, and a subsequent taking away, is not within the Statute; 1 Hawk. ch. 33. § 12; E. P. C. ch. 16. § 11.

(2.) A Delivery by another Servant is the same as a Delivery by the Master; 1 Hawk. ch. 33. § 13; 1 Hale, 668; 1 E. P. C. ch. 16. § 12.

(3.) This is held not to apply to the Case of a Servant receiving Rents, &c. or to sell Goods, departing with the Money; 1 Hawk. ch. 33. § 13; 1 Hale, 505; dubit. 1 Hale, 668.—The converting of Money delivered to buy Goods, held not within the Statute; Watson's Case, cor. Heath J. at Worcester, 1788, E. P. C. ch. 16. § 12.—Q. If not a Larceny at Common Law? vi. ibid; and Lavender's Case, E. P. C. ch. 16. § 15.

(4.) By Stat. 27 Hen. VIII. made perpetual 28 Hen. VIII. c. 2, but repealed 1 Mar. st. 1. ch. 1. ante, Cl. II, No. 21, Clergy was taken away from this Offence. The present Statute was revived by 3 Eliz. c. 10, post, but not the Statute taking away Clergy. Doubts have been entertained whether the Offence is liable to Transportation; but such Doubts do not appear to be well founded; vide E. P. C. ch. 16. § 10. But the Statute is now not much resorted to, as most of the Cases within the Scope of it would be held Felony at Common Law. As to which, see the several Cases cited E. P. C. ch. 16. § 14, 15.

No. 3.

23 Henry VIII. c. 1.—An Act concerning Convicts in
Petit Treason, Murder, &c. p.

III. BE it therefore enacted by the King our Sovereign No. 3.
Lord, and the Lords Spiritual and Temporal, and 23 Henry VIII.
the Commons, in this present Parliament assembled, and by Au- Clergy taken
thority of the same, That no Person nor Persons, which here- from several
after shall happen to be found guilty after the Laws of this Persons which
Land, for any Manner of Petit Treason, or for any wilful do commit di-
Murder of Malice prepensed, or for robbing of any Churches, vers Offences.
Chapels, or other holy Places, or for robbing of any Person or
Persons in their Dwelling Houses, or Dwelling Place, the
Owner or Dweller in the same House, his Wife, his Children
or Servants then being within, and put in Fear and Dread by
the same, or for robbing of any Person or Persons in or near
about the Highways, or for wilful burning of any Dwelling
Houses, or Barns wherein any Grain of Corns shall happen to
be, nor any Person or Persons being found guilty of any Abet-
ment, Procurement, Helping, Maintaining, or Counselling,
of or to any such Petit Treasons, Murders, or Felonies, shall
from henceforth be admitted to the Benefit of his or their
Clergy, but utterly be excluded thereof, and suffer Death in
such Manner and Form, as they should have done for any
the Causes or Offences abovesaid, if they were no Clerks;
such as be within holy Orders, that is to say, of the Orders of
Sub-deacon, or above, only except.

No. 4.

25 Henry VIII. c. 3.—For such as stand mute, &c.

WHERE at your Parliament holden at Westminster, in No. 4.
the three and twentieth Year of your most noble 25 Henry VIII.
Reign, among other Things, it was ordained, established and c. 3.
enacted, That no Person or Persons which thereafter should Clergy not al-
happen to be found guilty, after the Laws of this Land, for lowed to those
any manner of Petit Treason, or of any wilful Murder of or who do make
Malice prepensed, or for robbing of any Churches, Chapels, peremptory
or other holy Places, or for robbing of any Person or Persons Challenge.
in their Dwelling-houses or Dwelling-place, the Owner or
Dweller in the same House, his Wife, his Children, or Ser-
vants then being within, and put in Fear and Dread by the
same, or for robbing of any Person or Persons in or near
about the Highway, or for wilful burning of any Dwelling-
houses or Barns, wherein any Grain or Corn shall happen to
be; nor any Person or Persons being found guilty of any
Abetment, Procurement, helping, maintaining, or counse-
lling of or to any such Petit Treason, Murthers, or Felonies,
should from thenceforth be admitted to the Benefit of his or

No. 4. their Clergy, but utterly be excluded thereof, and suffer
 25 Henry VIII. Death in such Manner and Form, as they should have done
 c. 3. for any the Causes or Offences aforesaid, if they were no
 Certain Defects in the Statute of Orders of Subdeacon or above, all only except, as more at
 23 H. 8. c. 1. large appeareth by the said Act. And forasmuch as the said
 Act extendeth only to such Persons as be found guilty after
 the due Course of the Laws of this Land, divers and many
 great errant Robbers, Murtherers, Burglars and Felons, that
 do offend and commit divers and many Petit Treasons, Rob-
 beries, Burglaries and Felonies, contrary to the Tenor of the
 said Act, perceiving and clearly understanding, by the
 Words of the same Statute and Act, that they shall not lose
 the Benefit and Advantage of their Clergy, unless they be
 found guilty after the due Course of the Law, upon their
 Arraignment of and upon the said Felonies, Robberies, and
 other Offences before said, so by them done and committed,
 by reason whereof, divers and many of the same Robbers and
 Felons, upon their Arraignment of the same Robberies and
 Felonies, upon their Indictments against them stand mute,
 and sometimes challenge peremptorily over the Number of
 Twenty, or else will not directly answer to the same Indict-
 ments whereupon they be so arraigned, according to the
 Order of the Law. And for that these especial Cases be not
 expressly comprised and contained within the Letter of the
 same Statute, it is necessary and expedient that the same Case
 be clearly and definitively expounded and declared by Au-
 thority of this present Parliament. And whereas also divers
 and many Felons and Robbers, that commit and do divers
 and many great heinous Robberies and Burglaries in one
 Shire, and convey the Spoil and Robbery into any other Shire,
 and there be taken, indicted, and arraigned upon Felony
 and felonious stealing of the same Goods in the same other
 Shire, than there where the same Robberies or Burglaries were
 done and committed, and not upon the same Robbery nor
 Burglary, for that it was not done nor committed in the
 same Shire where they be so indicted and arraigned, and by
 reason thereof the same Misdemeanors, Felons, Robbers,
 and Burglars have and enjoy the Privilege and Advantage of
 their Clergy, to the great Hurt and Loss of the King's Pre-
 rogative, and great Boldness of such Offenders.

Cases in which the Benefit of Clergy shall not be allowed.

II. In Consideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That every Person and Persons that is or hereafter shall be indicted of Petit Treason, wilful Burn-
 ing of Houses, Murther, Robbery, or Burglary, or other Felony, according to the Tenor and Meaning of the same Statute, and thereupon arraigned, and do stand mute of Malice or froward Mind, or challenge peremptorily above the Number of Twenty, or else will not or do not answer directly to the same Indictment and Felony whereupon he is so arraigned,

shall from henceforth lose the Benefit and Privilege of his No. 4.
or their Clergy, in like Manner and Form as if he had directly 25 Henry VIII.
pleaded to the same Petit Treason, Murther, Robbery, Burglary, or other Felony whereupon he is so arraigned, Not guilty, and thereupon had been found guilty after the Laws of the Land. c. 3.

III. And by the same Authority be it further enacted, That if any Person or Persons hereafter be indicted of Felony for stealing of any Goods or Chattels in any County within this Realnt of *England*, and thereupon arraigned and be found guilty, or stand mute of Malice, or challenge peremptorily above the Number of twenty Persons, as is aforesaid, or will not upon his said Arraignment directly answer to the same Felony, that then the same Person and Persons so arraigned and found guilty, or stand mute of Malice, or challenge peremptorily above the Number of twenty Persons, or will not directly answer to the Law, shall lose and be put from the Benefit of their Clergy, in like Manner and Form as they should have been, if they had been indicted and arraigned, A Man attainted and found guilty in the same County where the same Robbery or Burglary was done or committed, if it shall appear to the Justices before whom any such Felons or Robbers be arraigned, by Evidence given before them, or by Examination, that the same Felonies, whereupon they be so arraigned, had been such Robberies or Burglaries in the same Shire where such Robberies or Burglaries were committed or done, by reason whereof they should have lost the Benefit of their Clergy by Force of the said Statute, in case they had been found guilty thereof in the same Shire where such Robberies or Burglaries were so committed or done.

where the Goods were carried which were stolen in another County.

No. 5.

1 Edward VI. c. 12.—An Act for the Recal of certain Statutes concerning Treasons and Felonies.*

P.

X. AND it is further ordained and enacted by the Authority aforesaid, That no Person or Persons that heretofore hath been, or at any Time hereafter shall be, in due Form of the Laws, attainted or convicted of Murder of Malice prepensed, or of Poisoning of Malice prepensed; or of breaking of any House by Day or by Night, any Person being then in the same House where the same breaking heretofore hath been or hereafter shall be committed, and heretofore hath been or hereafter shall be thereby put in Fear or Dread; or of or for robbing of any Person or Persons in the Highway, or near to the Highway; or for felonious stealing of Horses, Geldings or Mares; (1.) or of felonious taking of any Goods out of any

No. 5.
1 Edward VI.
c. 12.

The Offenders in these Felonies shall be excluded of their Clergy and Sanctuary by 2 & 3 Ed. 6. c. 33.

* Inserted ante, Class II.

(1.) The Stat. 37 Hen. VIII. c. 8. § 2. mentioned Horse, Gelding, Mare, Foal or Filly. Sir E. H. East states, that as the Words Foal or Filly are

No. 5. Parish Church or other Church or Chapel; or being indicted or appealed of any of the same Offences, and thereupon found guilty by Verdict of twelve Men, or shall confess the same upon his or their Arraignment, or will not answer directly, according to the Laws of this Realm, or shall stand wilfully, or of Malice mute, shall not be admitted to have or enjoy the Privilege or Benefit of his Clergy or Sanctuary, but shall be put from the same: And that in all other Cases of Felony, other than such as are before mentioned, all and singular Person and Persons, which after the first Day of March next coming shall be arraigned or found guilty upon his or their Arraignment, or shall confess the same, or stand mute, in Form aforesaid, or will not answer directly in Form abovesaid, shall have and enjoy the Privilege and Benefit of his or their Clergy, the Liberty and Privilege of Sanctuary, in like Manner and Form as he or they might or should have done before the four and twentieth Day of April in the first Year of the Reign of the said late King Henry the Eighth.

Sanctuaries excepted.

No. 6.

2 and 3 Edward VI. c. 33.—A Bill for Horse and Horse Stealers.

No. 6.
2 and 3
Edward VI.
c. 33.

Whosoever
stealeth an
Horse, &c.
shall lose his
Clergy.

FORASMUCH as it is and hath been ambiguous and doubtful upon the Words mentioned in one Act of Parliament made in the first Year of the Reign of our Sovereign Lord the King, Whether that any Person being in due Form of the Laws found guilty, or otherwise attainted or convicted, for felonious stealing of one Horse, Gelding or Mare, ought to be admitted to have or enjoy the Privilege and Benefit of his Clergy and Sanctuary: Therefore it is declared and enacted by the King our Sovereign Lord, and the Lords and Commons, in this present Parliament assembled, and by the Authority of the same Parliament, That all and singular Person and Persons, feloniously taking or stealing any Horse, Gelding or Mare, shall not be admitted to have or enjoy the Privilege or Benefit of his or their Clergy or Sanctuary, but shall be put from the same, in like Manner and Form as though he or they had been indicted or appealed for felonious stealing of two Horses, two Geldings or two Mares of any other, and thereupon found guilty by Verdict of twelve Men, or confessed the same upon his or their Arraignment, or stand wilfully or of Malice mute. 37 H. 8 c. 8.

dropped in the Acts of Edw. VI. it has been questioned by some, whether they extend to a Foal or Filly, so as to oust Clergy? But yet, (he adds) it seems that the Words of those Acts are plain and general enough to include them; and it is refining rather too much to argue those Words into Doubt, from the over Nicety of a prior Statute which is set aside; E. P. C. ch. 16. § 47.

No. 7.

5 and 6 Edward VI. c. 9.—An Act for the taking away
of the Benefit of the Clergy from certain Offenders.

WHERE at the Parliament holden at Westminster by Prorogation the twenty-third Year of the Reign of the late King of famous Memory, King Henry the Eighth, it was among other Things then and there enacted, established and ordained by Authority of the same Parliament, That no Person or Persons, which after that Time should happen to be found guilty, after the Laws of this Realm, for any manner Petty Treason, or for any wilful Murther of Malice prepensed, or for robbing of any Churches, Chapels or other Holy Places, or for robbing of any Person or Persons in their Dwelling-houses or Dwelling-places, the Owner or Dweller in the same House, his Wife, his Children or Servants then being within, and put in Fear or Dread by the same, or for robbing of any Person or Persons in or near about the Highways, or for wilful burning of any Dwelling-houses or Barns wherein any Grain or Corn should happen to be, nor any Person or Persons being found guilty of any Abetment, Procurement, Maintaining or Concealing of any or to any such Petty Treason, Murthers or Felonies, should from thenceforth be admitted to the Benefit of his or their Clergy, but utterly to be excluded thereof, and suffer Death in such Manner and Form as they should have done for any the Causes or Offences abovesaid, if they were no Clerks; such as be within Holy Orders, that is say, of the Orders of Sub-deacon, or above, all only excepted, as by the same Act among other Things more plainly appeareth; which Act was made to endure until the last Day of the next Parliament; and after that, at the Session of the Parliament holden at Westminster by Prorogation in the thirty-second Year of the Reign of the said late King, the same Act with other Acts was made to continue for ever.

II. Sithen the making of which Statute it hath been doubted, that if such Robberies and Felonies have been committed and done in Dwelling-houses and Dwelling-places, the Owner or Dweller in the same House, his Wife, his Children or Servants, being then put in Fear or Dread by the same, shall not lose the Benefit of their Clergy, if the Offenders therein be found guilty by the Laws of this Realm, unless the same Robbery or Felony be committed and done in the very Chamber, House or Place where the Owner or Dweller in the same House, his Wife, Children or Servants, shall happen to be or lie at the Time of such Robbery and Felony committed and done, and put in Fear and Dread, although the Owner and Dweller in such House and Houses, his Wife, his Children or Servants, at the Time of such Robbery and Felony committed and done, were or lay in other

No. 7.

5 and 6
Edward VI.
c. 9.No Person robbing any House, &c. shall have the Benefit of his Clergy.
23 H. 8. c. 1.

Three several Doubts and Questions moved upon the Stat. of 23 H. 8. c. 1.

No. 7. Places within the Precinct of the same Dwelling-houses, nigh unto the House or Place where such Robbery and Felony shall happen to be done: Or if it happen that the Owner or Dweller within the same House where such Robbery and Felony shall happen to be done, his Wife, Children or Servants to be asleep at the Time of such Robbery and Felony committed and done, although the same Robbery were done in the Chamber or Place where the Owner or Dweller in the same House, his Wife, Children or Servants then lay, the Offenders being found guilty thereof according to the Laws of the Land, should not lose the Benefit and Advantage of their Clergy.

Edward VI. c. 9. III. And where also it hath been in Question and doubted, that if such Robberies and Felonies happen to be committed and done in any Booth or Booths, Tent or Tents in any Fair or Market, the Owner of the same, his Wife, Children or Servants happening to be within the same at the Time of the committing of such Felonies, and put in Fear and Dread, the Offenders therein being found guilty after the Laws of this Realm, should not lose the Benefit of their Clergy:

Burglary, the Owner, &c., being in another Part of the House or asleep.

IV. For the true Declaration and Explanation of the same Doubts or Questions before recited, be it enacted, ordained and established by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if it happen any Person or Persons to be found guilty according to the Laws of this Realm, for robbing (1.) of any Person or Persons after the first Day of May next ensuing, in any Part or Parcel of their Dwelling-houses or Dwelling-places, the Owner or Dweller in the same House, or his Wife, his Children or Servants, (2.) being then within the same House or Place where it shall happen the same Robbery and Felony to be committed and done, or in any other Place within the Precinct of the same House or Dwelling-place; (3.) that such Offenders shall in no wise be admitted to their Clergy, whether the Owner or Dweller in the same House, his Wife or Children then and there being, shall be waking or sleeping.

Burglary in a Tent or Booth in a Fair or Market.

V. And that no Person or Persons which after the said first Day of May shall happen to be found guilty, after the Laws of this Realm, of and for robbing any Person or Persons in any Booth or Tent, in any Fair or Market, the Owner, his Wife, his Children or Servants, or Servant, then being within the same Booth or Tent, shall not from henceforth be admitted to the Benefit of his or their Clergy, but utterly be

(1.) Under this Statute a Breaking is necessary; 2 Hawk. c. 33. § 92; E. P. C. ch. 16. § 72.

(2.) This does not extend to a Sojourner or Lodger; 2 Hawk. ch. 33. § 92. See 3 W. and M. c. 9. where the Provision is more general

(3.) If the Goods do not amount to 12*l.* the Case will only amount to Petit Larceny; for the Statute does not alter the Offence, but only takes away Clergy where it was before allowed, as in Grand Larceny; sensible, 1 Hale, 531; E. P. C. ch. 16. § 70 — This Principle was consistently acted upon in the Construction of 8 Eliz. ch. 4, post.

excluded thereof, and suffer Death in such Manner and Form as is before mentioned in the said Act made in the said xxij. Year of the Reign of the same late King, for Robberies and Felonies committed and done in Dwelling-Houses and Dwelling-places, the Owner or Dweller in the same, his Wife, Children or Servants then being within the same, and put in Fear and Dread, without having any Respect or Consideration whether the Owner or Dweller in such Booths and Tents, his Wife, Children or Servants, being in the same Booths or Tents at the Time of such Robberies and Felonies committed, shall be sleeping or waking.

No. 7.
5 and 6.
Edward VI.
c. 9.
23 H. 8. c. 1.

No. 8.

5 and 6 Edward VI. c. 10.—An Act for the Avoiding of Clergy from divers Persons.

WHERE in the Parliament holden at Westminster upon Prorogation the fifteenth Day of January in the twenty-fifth Year of the Reign of our late Sovereign Lord King Henry the Eighth, it is recited, That at the Parliament holden at Westminster in the twenty-third Year of the Reign of the said late King, amongst other Things it was ordained, established and enacted, That no Person or Persons, which shall not have after that Time should happen to be found guilty, after the Laws of this Land, of any Manner of Petty Treason, or for any wilful Murther of Malice prepensed, or for robbing of any Churches, Chapels or other holy Places, or for robbing of any Person or Persons in their Dwelling-houses or Dwelling-place, the Owner or Dweller in the same House, his Wife, his Children or Servants then being within, and put in Fear and Dread by the same, or for robbing of any Person or Persons in or near about the Highways, or for wilful burning of any Dwelling-houses or Barns, wherein any Grains of Corn should happen to be, nor any Person or Persons being found guilty of any Abetment, Procurement, Helping, Maintaining or Concealing of or to any such Petty Treason, Murthers or Felonies, should from thenceforth be admitted to the Benefit of his or their Clergy, but should utterly be excluded thereof, and suffer Death in such Manner and Form as they should have done for any the Causes or Offences abovesaid, if they were no Clerks; which Act extendeth but only where such Offender was convicted in such County or Place where any such Offence was so committed and done, and not where he or they did such Offence in one County, and were taken with the Mainer in another County. Wherefore it was considered, That forasmuch as divers and many Felons and Robbers that commit and do divers and many great heinous Robberies and Burglaries in one Shire, and convey the Spoil and Robbery into any other Shire, and there be taken, indicted and arraigned of Felony,

No. 8.
5 and 6.
Edward VI.
c. 10.

Such as rob in one Shire, and fly into another
their Clergy
23 H. 8. c. 1.
23 H. 8. c. 1.

No. 8.
5 and 6.
Edward VI.
c. 10.

' of the felonious stealing of the same Goods in the same other Shire than where the same Robberies or Burglaries were done and committed, and not of the same Robbery nor Burglary, for that it was not done or committed in the same Shire where they be so indicted and arraigned, and that by Reason thereof such Felons, Robbers and Burglarors had and enjoyed the Privilege and Advantage of their Clergy.'

II. For Redress whereof, it was enacted in the said Parliament holden in the said xxv. Year of the said late King, That if any Person or Persons after that Time, after such Robbery or Burglary by him or them done in any one County, should be indicted of Felony for stealing of any Goods or Chattels in any other County within this Realm, and thereupon arraigned and found guilty, or stand mute of Malice, or challenge peremptorily above the Number of xx. Persons, or would not upon his or their said Arraignment directly answer to the same Felony, That then the same Person and Persons so arraigned and found guilty, or standing mute of Malice, or challenging peremptorily above the Number of twenty Persons, or that would not directly answer to the Law, should lose and be put from the Benefit of his or their Clergy, in like Manner and Form as they should have been if they had been indicted, arraigned and found guilty in the same County where such Robbery or Burglary as is aforesaid, was done or committed, if it should appear to the Justices before whom any such Felons or Robbers should be arraigned by Evidence given before them, or by Examination, that the same Felons and Burglarors should have been put from their Clergy, in Case they had been indicted, arraigned, and found guilty, in the same County where the same Robberies or Burglaries were committed or done, as in the same Statute made in the said xxv. Year, among other Things, more plainly appeareth.

Wherein the
Stat. made
1 Ed. 6. c. 12.
doth take away
the Force of the
Stat. of 25 H. 8.
c. 3.

' III. And where in the Parliament holden at Westminster the iv. Day of November in the first Year of the Reign of our Sovereign Lord the King that now is, it is ordained and enacted amongst other Thingz, That no Person or Persons that before that Time had been or at any Time after should be in due Form of the Laws attainted or convict of Murther of Malice prepensed, or of poisoning of Malice prepensed, or of breaking of any House by Day or by Night, any Person being then in the same House where the same Breaking had been or after that Time should be committed, being put in Fear or Dread; or of or for Robbing of any Person or Persons in the Highway, or near to the Highway, or for felonious Stealing of Horses, Geldings or Mares; or of felonious Taking of any Goods out of any Parish Church, or other Church or Chapels; or being indicted or appealed of any of the same Offences, and thereupon found guilty by Verdict of xij. Men, or should confess the same upon his or their Arraignment, or would not answer directly according to the Laws of this Realm, or should stand wilfully or of Malice mute, should

' not be admitted to have or enjoy the Privilege or Benefit of his or their Clergy or Sanctuary, but should be put from the same.

' IV. And that in all other Cases of Felony, other than such as be before mentioned, all and singular Person and Persons which after the first Day of March then next following should be arraigned, or found guilty upon his or their Arraignment, or should confess the same, or stand mute in Form aforesaid, or would not answer directly in Form abovesaid, should have and enjoy the Privilege and Benefit of his or their Clergy, and the Liberty and Privilege of Sanctuary, in like Manner and Form as he or they might or should have done before the xxiv. Day of April in the first Year of the Reign of the said late King Henry the Eighth, as in the said Act made in the said first Year, among other Things, more plainly appeareth : By Reason of which Article and Clause contained in the said Act made in the said first Year, the said Statute made in the said xxv. Year of the said late King, which did put such Felons and Burglarors from their Clergy, that do such Offence in one County, and after are taken with the Goods stolen in another County, and there indicted, arraigned and found guilty, was made void : By Reason whereof divers and many Persons, that sithen the said first Year have committed such Robberies and Burglaries in one County, and after have been taken with the Mainer in another County, and there indicted, arraigned and found guilty, have had and enjoyed their Clergy, which they could not have had in case the said Act made in the said xxv. Year had stood in Force, to the great Bolding and Comfort of such Offenders : For Redress whereof from henceforth to be had, be it enacted by the Authority of this present Parliament, That the said Act made in the said xxv. Year touching the putting of such Offenders from their Clergy, and every Article, Clause or Sentence contained in the same touching Clergy, shall from henceforth, touching such Offences from henceforth to be committed and done, stand, remain and be in full Strength and Virtue, in such Manner and Form as it did before the making of the said Act made in the said first Year of the Reign of our said Sovereign Lord the King that now is; any Clause, Article or Sentence comprised in the said Act made in the said first Year, to the contrary thereof notwithstanding.

No. 8.
5 and 6
Edward VI.
c. 10.

4 and 5 Philip and Mary, c. 4 — An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy.

[Inserted Class IV.]

The Stat. of 25 H. 8. c. 3. shall stand in Force, notwithstanding a Clause comprised in the Stat. of 1 Ed. 6. c. 12.

No. 10.

5 Elizabeth, c. 10.—An Act reviving a Statute made
Anno 21 H. 8. touching Servants imbezilling their
 Masters Goods.

No. 10.
 5 Elizabeth,
 c. 10.
 21 H. 8. c. 7.

WHÈRE in the Parliament holden at *London* the third Day of *November* in the one and twentieth Year of the Reign of the late King of most famous and worthy Memory King *Henry the Eighth*, and from thence adjourned to *Westminster*, and there holden and continued by divers Prorogations unto the Dissolution thereof, it was ordained and enacted amongst other Things, That all and singular Servants to whom any Caskets, Jewels, Money, Goods, or Chattels, by his or their Master or Masters should from thenceforth be delivered to keep, that if any such Servant or Servants withdraw him or them from their said Masters or Mistresses, and go away with the said Caskets, Jewels, Money, Goods or Chattels, or any Part thereof, to the Intent to steal the same, and defraud his or their said Masters or Mistresses thereof, contrary to the Trust and Confidence to him or them put by his or their Masters or Mistresses; or else being in Service of his said Masters or Mistresses, without the Assent or Commandment of his Masters or Mistresses, imbezil the same Caskets, Jewels, Money, Goods or Chattels, or any Part thereof, or otherwise convert the same to his own Use, with like Purpose to steal it, that if the said Caskets, Jewels, Money, Goods or Chattels that any such Servant shall go away with, or which he shall imbezil with Purpose to steal it as is aforesaid, be of the Value of Forty Shillings or above; that then the same false, fraudulent and untrue Act and Demeanour, should from thenceforth be deemed and adjudged Felony, and that he or they so offending, should be punished as other Felons for Felony committed, by the Course of the Common Law, as by the said Act, *et alii* other Things therein contained, more at large it doth and may appear.

1 Mar. Sess. I.
 c. 1.

II. Which said Act in the Parliament begun and holden at *Westminster* the fifth Day of *October* in the first Year of the Reign of the late Queen *Mary*, and there continued to the one and twentieth Day of the same Month, that is to say, in the first Session of the same Parliament, by the general Words of one Act then and there made, intituled, “An Act repealing certain Treasons, Felonies and *Præmunire*,” was from thenceforth utterly repealed and made void.

A Reviver of
 the Statute of
 21 H. 8. c. 7.
 whereby it is
 made Felony
 for a Servant to
 imbezil his
 Master's Goods
 to the Value of
 xi. s. or above.

III. And forasmuch as sithence the repeal of the same, the said Act is thought necessary for the Commonwealth of this Realm; be it therefore enacted by our Sovereign Lady the Queen's Majesty, with the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act made in the one and twentieth Year, and every

Clause, Article, Branch, Sentence and Provision therein contained, be from henceforth revived, and put in due Execution, according to the Intent and Meaning thereof, and from thenceforth shall stand good, endure and continue for ever.
27 H. 8. c. 17.

No. 10.
5 Elizabeth,
c. 10.

No. 11.

8 Elizabeth, c. 4.—An Act to take away the Benefit of Clergy from certain Offenders for Felony.

WHERE a certain Kind of evil-disposed Persons, commonly called Cut-purses or Pick-purses, but indeed by the Laws of this Land, very Felons and Thieves, do confederate together, making among themselves as it were a Brotherhood or Fraternity of an Art or Mystery, to live idly by the secret Spoil of the good and true Subjects of this Realm; and as well at Sermons and Preachings of the Word of God, and in Places and Time of doing Service and Common Prayer in Churches, Chapels, Closets and Oratories, and not only there, but also in the Prince's Palace, House, yea and Presence, and at the Places and Courts of Justice, and at the Times of Ministration of the Laws in the same, and in Fairs, Markets, and other Assemblies of the People, yea and at the Time of doing of Execution of such as been attainted of any Murder, Felony or other criminal Cause, ordained chiefly for Terror and Example of Evil-doers, do without Respect or Regard of any Time, Place or Person, or of any Fear or Dread of God, or any Law or Punishment, under the Cloak of Honesty by their outward Apparel, Countenance and Behaviour, subtilly, privily, craftily and feloniously take the Goods of divers good and honest Subjects from their Persons by cutting and picking their Purses and other felonious Sleights and Devices, to the utter undoing and impoverishing of many:

No. 11.
8 Elizabeth,
c. 4.

He that taketh away privily from the Person of another Money or Goods, shall not have his Clergy, &c.

The impudent Boldness of Cut-purses and Pick-purses.

II. Be it therefore enacted by the Authority of this present Parliament, That no Person or Persons which hereafter shall happen to be indicted or appealed for felonious taking of any Money, Goods or Chattels from the Person of any other, privily without his Knowledge, in any Place whatsoever, and thereupon found guilty by Verdict of twelve Men, or shall confess the same upon his or their Arraignment, or will not answer directly to the same according to the Laws of this Realm, or shall stand willfully or of Malice or obstinately mute, or challenge peremptorily above the number of twenty, or shall be upon such Indictment or Appeal outlawed, shall from henceforth be admitted to have the Benefit of his or their Clergy, but utterly be excluded thereof, and shall suffer Death in such Manner and Form as they should if they were no Clerks. (1.)

(1.) I have thought it proper to insert this Provision, although repealed by Stat. 48 Geo. III. ch. 123, post, as shewing the progressive Course of the Law with respect to the several Kinds of Larceny.

No. 11.
 2 Elizabeth, c. 4.
 Where one shall be arraigned for a former Offence, having his Clergy for a latter.

III. And also whereas divers Persons do oft-times commit and do divers and sundry detestable Murders, heinous Robberies and Felonies and other capital Offences, for the which Clergy is not allowable by the Laws and Statutes of this Realm, and after the same Offences so done either fly out of the County or other Parts of this Realm into the Parts beyond the Seas, or keep themselves secret in other Places where they are not known for a great Time, and after happen to commit some other Felony for the which they may have their Clergy, and being arraigned for the same may have their Clergy to them allowed, and thereupon committed to the Custody of the Ordinary according to the Law and Custom of this Realm, the former Offence, wherein Clergy is not grantable being not then known; and so by that Means cannot after be impeached for the said other horrible and great Offences by the Law and Custom of this Realm, to the great encouraging of Offenders using such Practices of Foreknowledge and set Purpose for their Discharge of the same.'

IV. For Reformation whereof, Be it further enacted by the Authority aforesaid, That every Person or Persons which shall hereafter upon his and their Arraignment for any Felony be admitted to the Benefit of his Clergy by the Laws of this Realm, and delivered to the Ordinary for the same, and shall make his due Purgation for the same Offence or Offences whereupon he was so admitted to his Clergy, and shall before the same Admission to his Clergy have committed any other such Offence whereupon Clergy by the Laws or Statutes of this Realm is not allowable, and not being thereof before indicted and acquitted, convicted or attainted, or pardoned, shall and may be indicted or appealed for the same, and thereupon put to answer, and ordered and used in all Things according to the Laws and Statutes of this Realm, in such like Manner and Form as though no such Admission of Clergy had been; any Law, Custom, or Usage to the contrary notwithstanding.

No. 12.

18 Elizabeth, c. 7.—An Act to take away Clergy from the Offenders in Rape or Burglary, and an Order for the Delivery of Clerks Convict without Purgation.

[Inserted ante, Cl. V.]

No. 13.

31 Elizabeth, c. 4.—An Act against the Imbezilling of Armour, Habiliments of War and Victual.

BE it enacted by the Authority of this present Parliament, No. 13.
 That if any Person or Persons having at any Time here-
 after the Charge or Custody of any Armour, Ordnance, Munition, Shot, Powder or Habiliments of War, of the Queen's Imbezilling the Queen's Ord-
 nance, Armour, or Victuals, to
 provided for the Victualling of any Soldiers, Gunners, Mariners or Victuals, to
 or Pioneers, shall for any Lucre or Gain, or witlingly, ad-
 visedly, and of Purpose, to hinder or impeach her Majesty's twenty Shil-
 lings, provided
 Service, imbezil, purloin or convey away any of the said Ar- for Soldiers,
 mour, Ordnance, Munition, Shot or Powder, Habiliments of shall be Felony;
 War, or Victuals, to the Value of twenty Shillings at one or
 several Times; That then every such Offence shall be judged
 Felony, and the Offender or Offenders therein to be tried,
 proceeded on, and suffer as in Case of Felony. (1.)

II. Provided always, and be it enacted by the Authority Within what
 aforesaid, That none shall be impeached for any Offence Time the Of-
 fender shall be
 against this Statute, unless the same Impeachment be prose- impeached.
 cuted or begun within the Year next after the Offence done: No Corruption
 And that this Act, nor any Thing therein contained, nor any Forfeiture of
 Attainder or Attainders of any Person or Persons for any the Inheritance
 Offence made Felony by this Act, shall in any wise extend to of Lands or
 or be adjudged, interpreted or expounded, to make the Of- Dower for this
 fender or Offenders to forfeit or lose any Lands, Tenements or
 Hereditaments any longer than only during his or their Life or
 Lives, or to make any Corruption of Blood to any the Heir
 or Heirs of any such Offender or Offenders, or to make the
 Wife of any such Offender to lose or forfeit her Dower, or
 Title of Dower, of or in any Lands, Tenements or Heredita-
 ments, or her Action or Interest to the same; any Thing in
 this Act contained, or any Attainder or Attainders hereafter to
 be had for any Offence made Felony by this Act to the con-
 trary notwithstanding: And that such Person and Persons as
 shall be impeached for any Offence made Felony by this Es-
 tate, shall by Virtue of this Act be received and admitted to
 make any lawful Proof that he can, by lawful Witness or other-
 wise, for his Discharge and Defence in that Behalf; any Law
 to the contrary notwithstanding. [Enforced by 22 Car. 2. c. 5.]

The Defendant
 may bring
 Proof for his
 Discharge.

(1.) But Persons having a bare Charge may be guilty of Felony at Common Law, by stealing to any Amount. See Thorpe's Case, 2 E. P. C.
 ch. 16. § 53.

No. 14.

P.

31 Elizabeth, c. 12.—An Act to avoid Horse stealing.

[Inserted Pt. III. Cl. XII.]

No. 14.
31 Elizabeth,
c. 12.An Accessary to
a Horse-stealer
shall not have
his Clergy.

V. AND be it further enacted by the Authority aforesaid, That after twenty Days after the End of this Session of Parliament, not only all Accessaries before such Felony done, but also all Accessaries after(1.) such Felony, shall be deprived and put from all Benefit of their Clergy, as the Principal by Statute heretofore made is or ought to be.

(1.) This only extends to Accessaries at Common Law; not to mere Receivers; Foster, 373; 2 East, 616.

No. 15.

39 Elizabeth, c. 15.—An Act, that no Person robbing any House in the Day-time, although no Person be therein, shall be admitted to have the Benefit of his Clergy.

No. 15.
39 Elizabeth,
c. 15.

WHEREAS of late Years divers lewd and felonious Persons understanding that the Penalty of the Robbing of Houses in the Day-time (no Person being in the House at the Time of the Robbery) is not so penal, as to commit or do a Robbery in any House, any Person being therein at the Time of the Robbery; which hath and doth embolden divers lewd Persons to watch their Opportunity and Time to commit and do many heinous Robberies, in breaking and entering divers honest Persons' Houses, and especially of the poorer Sort of People, who by reason of their Poverty are not able to keep any Servant, or otherwise to leave any Body to look to their House, when they go abroad to hear divine Service, or from Home to follow their Labour to get their Living, which is to the Hindrance and Loss of good Subjects, and the utter Impoverishing of many poor Widows, sole Women, and other People:

He shall not have his Clergy that robbeth a House in the Day-time of the Value of five Shillings.

II. Be it therefore enacted by our Sovereign Lady the Queen's most excellent Majesty, the Lords Spiritual and Temporal, and the Commons, of this present Parliament assembled, That if any Person or Persons after the End of this present Session of Parliament shall be found guilty, and convicted by Verdict, Confession or otherwise, according to the Laws of this Realm, for the felonious taking away, after the Feast of Easter now next ensuing, in the Day-time, (1.) of any Money, Goods or Chattel, being of the Value of five Shillings or upwards; in any Dwelling-house or Houses, or any Part thereof, or any Out-house or Out-houses, belonging and

(1.) If the Offence is committed in the Night, so that it would amount to Burglary, it is not within this Statute; 1 Hale, 525. B.; E. P. C. ch. 16. § 77.

used to and with any Dwelling-house or Houses, (2.) although no Person (3.) shall be in the said House or Out-house, at the Time of such Felony committed; then such Person and Persons shall not be admitted to the Benefit of his or their Clergy, but shall be utterly excluded thereof.

(2.) By Relation to the Preamble, there must be a Breaking to bring a Case within the Statute; but such a Breaking as would constitute Burglary is sufficient; E. P. C. ch. 16, § 75.—Whether a Person present and assisting is a Principal within the Act? Q. *ibid.*

(3.) It must be alledged and proved that no Person was in the House; 1 Hale, 525. B.; E. P. C. ch. 16, § 77.

No. 16.

22 Charles II. c. 5.—An Act for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as shall steal or imbezil his Majesty's Ammunition and Stores.

WHEREAS many evil-disposed Persons have of late more frequently than in former Times used and practised the cutting of Cloth and other Woollen Manufactures in the Night-time off from the Racks or Tenters, where the said Cloth is put for the drying thereof, and feloniously steal and carry away the same, to the utter undoing and impoverishing of many Clothiers, and the great Hindrance of the Trade of Clothing:

II. And whereas by an Act made in the one and thirtieth Year of the late Queen Elizabeth, it is amongst other Things enacted, That if any Person having the Charge or Custody of any Armour, Ordnance, Munition, Shot, Powder, or Habiliments of War of the said Queen's, her Heirs or Successors, or of any Victuals provided for the victualling of any Soldiers, Gunners, Mariners, or Pioneers, shall for any Lucre or Gain, or willingly, advisedly, and of Purpose to hinder or impeach her Majesty's Service, imbezil, purloin, or convey away the same Armour, Ordnance, Munition, Shot, or Powder, Habiliments of War, or Victuals to the Value of twenty Shillings, at one or several Times, that then every such Offence shall be adjudged Felony, and the Offender therein to be proceeded on, and suffer as in case of Felony; unto the committing of which several Offences many Persons are the more emboldened, in respect that in those Cases the Benefit of Clergy is allowed by Law?

III. Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and the Authority thereof, That no Person or Persons who shall, from and after the Five and twentieth Day of May, in the Year of our Lord one thousand six hundred and seventy, be indicted for felonious cutting and taking, shall be excluded

No. 16.

22 Charles II.

c. 5.

Enforced by

Geo. I. st. 2.

c. 25. sec. 11.

15 G. 2. c. 27.

31 Eliz. c. 4.

No. 16. stealing or carrying away of any Cloth or other Woollen Manufactures from the Rack or Tenter in the Night-time, or for any Offence committed against the said recited Act made in the said one-and thirtieth Year of Queen Elizabeth, or shall feloniously steal or imbezil any of his Majesty's Sails, Cordage, or any other his Majesty's Naval Stores, to the Value of twenty Shillings, and be thereupon found guilty by Verdict of twelve Men, or shall confess the same upon his or their Arraignment, or will not answer directly to the same according to the Laws of this Realm, or shall stand wilfully or of Malice and obstinately mute, or challenge peremptorily above the Number of Twenty, or shall be upon such Indictment outlawed, shall from and after the said five and twentieth Day of *May* not be admitted to have the Benefit of his or their Clergy, but utterly be excluded thereof, and shall suffer Death in such Manner and Form as he should if they were no Clerks.

Judges may re-prieve and transport them

Penalty for refusing to be transported, or afterwards to return.

IV. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Judges or Justices of the Court before whom such Offender shall be arraigned and condemned, at their Discretion to grant a Reprieve for the staying of Execution of such Offender, and to cause such Offender to be transported to any of his Majesty's Plantations beyond the Seas, there to remain for the Space of seven Years, to be accounted from the Time of such Transportation, and during all that Time there to be kept to hard Labour: And if such Offender shall refuse to be so transported, or after such Transportation shall return or come again into this Kingdom of *England*, or the Dominion of *Wales*, or Town of *Berwick upon Tweed*, within the Time aforesaid, that then, and in every such Case, the Person so returning shall be put to Execution upon the Judgement so given and pronounced against him.

No. 17.

3 William and Mary, c. 9.—An Act to take away Clergy from some Offenders, and to bring others to Punishment.

No. 17. FORASMUCH as divers wicked and ill-disposed Persons are encouraged to commit Robberies upon Mens' Persons, and in their Houses, and other Offenders, by the Privilege, as the Law now is, of demanding the Benefit of their Clergy: Be it therefore enacted by the King's and Queen's most Excellent Majesties, and by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons that shall at any Time from and after the first Day of *March*, in the Year of our Lord one thousand six hundred ninety-one,

3 William and Mary, c. 9.

Any Person convict of robbing a Dwelling-house wherein there is any or no Person, &c. or standing mute, shall lose his Clergy.

rob any other Person, (1.) or shall feloniously take away any Goods or Chattels, (2.) being in any Dwelling-house, the Owner or any other Person being therein, and put in Fear, (3.) or shall rob (4.) any Dwelling-house in the Day-time, any Person (5.) being therein, or shall comfort, aid, abet, assist, (6.) counsel, hire, or command any Person or Persons to commit any of the said Offences, or (7.) to break any Dwelling-house, Shop, or Warehouse, thereunto belonging, or therewith used, in the Day-time, and feloniously take away any Money, Goods, or Chattel, of the Value of five Shillings or upwards, therein being, although no Person shall be within such Dwelling-house, Shop, or Warehouse, or shall counsel, hire, or command any Person to commit any Burglary, being thereof convicted or attainted, or being indicted thereof shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of twenty Persons returned to be of the Jury, shall not have the Benefit of his or their Clergy.

No. 17.
3 William and
Mary, c. 9.

II. And be it further enacted by the Authority aforesaid, Persons indicted. That if any Person or Persons whatsoever be indicted of any ed for a Crime Offence, for which, by virtue of any former Statute, he or they of which being excluded from having the Benefit of his or their Clergy, would not have if he or they had been thereof convicted by Verdict or Con- their Clergy, if fession, if he or they stand mute, or will not answer directly they stand mute, &c. shall to the Felony, or shall challenge peremptorily above the not have it. Number of twenty (8.) Persons returned to be of the Jury, or shall be outlawed thereupon, shall not be admitted to the Benefit of his or their Clergy.

(1.) This Statute is more general than 1 E. VI. c. 12. § 12. which confines the Description of the Offence to the robbing any Person in or near the Highway; E. P. C. ch. 16. § 198.

(2.) The better Opinion seems to be, that the Taking must amount to Grand Larceny in respect of Value, unless done in the Presence of some Person, so as to amount to Robbery; E. P. C. ch. 16. § 70.

(3.) The Indictment must alledge a putting in Fear by the Prisoners; R. v. Etherington and Brook, E. P. C. ch. 16. § 71.

(4.) There must be a Breaking, such as in the Night would constitute Burglary; but it is not necessary to alledge Violence to the Persons in the House; E. P. C. ch. 16 § 72, and Authorities there cited.

(5.) This is more general than Stat. 5 and 6 Edward VI. c. 9. supra, which only applies to the Cases of the Owner, his Wife, Children or Servants being within the House; E. P. C. ch. 16. § 72.

(6.) Q. Whether a Person present and assisting can be charged as a Principal, or must be expressly indicted as an Aider and Abettor, under this Act; 2 Hale, 346; Foster, 330; E. P. C. ch. 16. § 68, 73, 76. But see Rex v. Towle, 2 Hawk. 466. (on 53 Geo. III. c. 58.); Rex v. Royce, 4 Bur. 2073. (on Stat. 1 George, st. 2. c. 5.) See the last Class, and the Coal-heavers' Case, Leach, Case 35. (on 9 George, c. 42. for shooting) from which it would appear to follow as a general Rule, that Persons present and assisting may, in all Cases not affected by a very particular Penning of the Statute enacting the Offence, be charged as Principals.

(7.) It seems that the Statute, having ousted the Accessaries before of Clergy, must necessarily, and by Implication, oust the Principals. See 2 Hale, 346; Foster, 330; E. P. C. ch. 16. § 68, 73, 76.

(8.) The Course now is merely to disallow the Challenges.

No. 17.
3 William and
Mary, c. 9.
So in a wrong
County, &c.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons hereafter be indicted of Felony for stealing of any Goods or Chattel in any County (9.) within this Realm of *England*, Dominion of *Wales*, or Town of *Berwick-upon-Tweed*, and thereof be convicted or attainted, or upon his or their Arraignment shall stand mute, or will not directly answer to the Indictment, or shall challenge peremptorily above the Number of twenty Persons returned to be of the Jury, he or they shall be totally excluded from having the Benefit of his or their Clergy, if it appear upon Evidence or Examination before the Justices, that the said Goods or Chattel were taken by Robbery or Burglary, or in any other Manner, in any other County, (10.) whereof if such Person or Persons had been convicted by a Jury of the said other County, he or they are (11.) excluded, by virtue of this or any other Act, from having the Benefit of this or their Clergy.

Buyers of stolen
Goods reputed
Accessaries to
Felony.

IV. And forasmuch as Thieves and Robbers are much encouraged to commit such Offences, because a great Number of Persons make it their Trade and Business to deal in 'the buying of stolen Goods.' Be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall buy or receive any Goods or Chattel that shall be feloniously taken or stolen from any other Person, knowing the same to be stolen, he or they shall be taken and deemed an Accessary or Accessaries to such Felony after the Fact, and shall incur the same Punishment, as an Accessory or Accessaries to the Felony after the Felony committed. (12.)

Stealing Goods
from Lodgings
Felony.

V. And whereas it is a frequent Practice for idle and disorderly Persons to hire Lodgings with an Intent to have an Opportunity to take away, imbezil, or purloin the Goods and Furniture being in such Lodgings; (13) be it therefore enacted and declared (14.) by the Authority aforesaid, That if any Person or Persons shall take away, with an Intent to steal,

(9.) The Goods which the Party has in the County where convicted must exceed the Value of 12d.; as otherwise he can only have Judgment for Petty Larceny; and the Statute does not create a new Felony. See E. P. C. ch. 16, § 157.

(10.) As to the Mode of charging or proving the Fact of Robbery, &c. in another County, in respect of which the Offender is to be ousted of Clergy, see E. P. C. ch. 16, § 157.

(11.) This does not extend to Cases where Clergy is excluded by subsequent Statutes; E. P. C. ch. 16, § 157.

(12.) This, with the other Provisions respecting stolen Goods, will form the Subject of the following Class.

(13.) In Rivers's Case, 1 Hawk. ch. 33, § 10. it was doubted whether a Lodger purloining Furniture was guilty of Larceny; and in *Rex v. Meates*, 1 Sho. 50, 1 W. and M. it was ruled that he was not. But Q. Whether the Contrary would not now be held, on the Ground of the Possession still continuing in the Owner of the House?

(14.) Sir E. H. East says, that although this is a declaratory Act, it must be construed with Reference to the Preamble, which recites that it was "a Practice to hire Lodgings, with Intent," &c.; E. P. C. ch. 16, § 28. But it has been held, in many Cases, that the general Operation of the enacting Part of a Clause should not be controlled by the Preamble stating only a limited Ground of Complaint; although certainly there are Cases the contrary Way.

imbezil, or purloin, any Chattel, Bedding, or Furniture, which by Contract or Agreement he or they are to use, or shall be let to him or them to use, in or with such Lodging, (15) such taking, imbezilling, or purloining, shall be to all Intents and Purposes taken, reputed, and adjudged to be Larceny and Felony, and the Offender shall suffer as in case of Felony.

VI. And whereas by the Laws of this Realm, Women convicted of Felony for stealing of Goods and Chattel of the Value of ten Shillings and upwards, and for other Felonies, where a Man is to have the Benefit of his Clergy, are to suffer Death; be it therefore enacted and declared by the Authority aforesaid, That where a Man being convicted of any Felony for which he may demand the Benefit of his Clergy, if a Woman be convicted for the same or like Offence, upon her Prayer to have the Benefit of this Statute, Judgment of Death shall not be given against her upon such Conviction, or Execution awarded upon any Outlawry for such Offence, but shall suffer the same Punishment as a Man should suffer, that has the Benefit of his Clergy allowed him in the like Case; that is to say, shall be burnt in the Hand by the Gaoler in open Court, and further be kept in Prison for such Time as the Justices in their Discretion shall think fit, so as the same do not exceed one Year's Imprisonment.

VII. And forasmuch as such Men who have once had their Clergy, and such Women who shall have once the Benefit of this Statute, may happen to be indicted for an Offence committed afterwards in some other County; be it therefore enacted, That the Clerk of the Crown, Clerk of the Peace, Clerk of the Assizes, where such Man or Woman shall be convicted, shall at the Request of the Prosecutor, or any other in their Majesties Behalf, certify a Transcript, briefly and in few Words containing the Effect and Tenor of every Indictment and Conviction of such Man or Woman, of his having the Benefit of the Clergy, or her having the Benefit of this Statute, and addition of every such Person or Persons, and the Certainty of the Felony and Conviction, to the Judges and Justices in such other County where such Man or Woman shall be indicted, which Certificate being produced in Court shall

(15.) An Indictment was for stealing from a Lodging-house. The Prisoner took the entire House and Furniture; and agreed to make good every Thing which was missing; and the Case was ruled not to be within the Act, which was meant to apply to the Case where the Owner had the Possession of the House. It was also thought that the Agreement to make good what was missing took the Case out of the Statute; Palmer's Case, E. P. C. ch. 16. § 26; Leech, Case 284. An Indictment for stealing "the Goods and Chattels being in a certain Lodging Room in the Dwelling-house of T. N., there situate, let by Contract by the said T. N. to the said Defendant, and to be used by the said Defendant with the Lodging aforesaid"—was sufficient; though objected that it was not stated that the Goods were let at the Time they were stolen; Burnell's Case, E. P. C. ch. 16. § 26.—The Indictment must state by and to whom the Lodgings were let; Pope's Case, ibid. — It has been frequently held, that an Indictment could not be maintained on this Act against a Feme Covert, taking the Lodgings with her Husband.

No. 17. be a sufficient Proof that such Man hath before had the Benefit
 3 William and of his Clergy, and that such Woman hath had the Benefit of
 Mary, c. 9. this Statute. (Made perpetual by 6 and 7 W. 3. cap. 14. § 1.)

No. 18.

4 William and Mary, c. 8.---An Act for encouraging the apprehending of Highwaymen.

No. 18.
 4 William and
 Mary, c. 8.
 WHEREAS the Highways and Roads within the King-
 dom of *England*, and Dominion of *Wales*, have been
 of late Time more infested with Thieves and Robbers than
 formerly, for want of due and sufficient Encouragement
 given, and Means used for the Discovery and Apprehension
 of such Offenders, whereby so many Murders and Robberies
 have been committed, that it is become dangerous in many
 Parts of the Nation for Travellers to pass on their lawful
 Occasions, to the great Dishonour of the Laws of this Realm,
 and the Government thereof: For Remedy whereof,

Reward to him
 that shall take
 an Highway-
 man.

Extended to
 Robberies in
 London, by
 6 Geo. I. c. 25.
 sect. 8.

II. Be it enacted by the King's and Queen's most Excel-
 lent Majesties, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 from and after the Five and twentieth Day of *March*, one
 thousand six hundred ninety and three, all and every Person
 and Persons, who shall apprehend and take one or more such
 Thieves or Robbers, and prosecute him or them so apprehend-
 ed and taken, until he or they be convicted of any Robbery
 committed in or upon any Highway, Passage, Field, or open
 Place, shall have and receive from the Sheriff or Sheriffs of the
 County where such Robbery and Conviction shall be made and
 done, without paying any Fee for the same, for every such
 Offender so convicted the Sum of forty Pounds, within one
 Month after such Conviction and Demand thereof made, by
 tendering a Certificate to the said Sheriff or Sheriffs, under the
 Hand or Hands of the Judge or Justices before whom such
 Felon or Felons shall be convicted, certifying the Conviction
 of such Felon or Felons for a Robbery done within the County
 of the said Sheriff or Sheriffs, and also that such Felon or
 Felons was or were taken by the Person or Persons claiming
 the said Reward; and in case any Dispute shall happen to
 arise between the Persons so apprehending any of the said
 Thieves and Robbers touching their Right and Title to the said
 Reward, that then the said Judge or Justices, so respectively
 certifying as aforesaid, shall, in and by their said Certificate,
 direct and appoint the said Reward to be paid unto and
 amongst the Parties claiming the same, in such Share and Pro-
 portions as to the said Judge or Justices shall seem just and
 reasonable: And if it shall happen any such Sheriff or Sheriffs
 shall die, or be removed before the Expiration of one Month
 after such Conviction and Demand made of the said Reward,

(not being paid as aforesaid), that then the next succeeding Sheriff or Sheriffs of the said County shall pay the same within one Month after Demand and Certificate brought as aforesaid : And if Default of Payment of the said Sum or Sums of Money shall happen to be made by any Sheriff or Sheriffs, such Sheriff or Sheriffs so making Default shall forfeit to the Person or Persons, to whom such Money is due as aforesaid, Double the Sum or Sums of Money he ought to have paid, to be recovered by him or them, or his or their Executors or Administrators, in any of their Majesties Courts of Record at Westminster, by Action of Debt, Bill, Plaintiff, or Information, wherein but one Impar- lance, and no Essoin, Protection, or Wager of Law, shall be allowed, with Treble Costs of Suit by him or them expended in the Recovery of the same.

III. And be it further enacted, That in case any Person or Persons shall happen to be killed by any such Robber or Robbers, endeavouring to apprehend, or in making Pursuit after him or them, that then the Executors or Administrators, or such Person or Persons to whom the Right of Administration of the personal Estate of each Person so killed, shall belong, (upon Certificate delivered under the Hands and Seals of the Judge or Justices of Assize for the County where the Fact was done, or the two next Justices of the Peace, of such Person or Persons being so killed, which Certificate the said Judge or Justices, upon sufficient Proof before them made, are immediately required to give without Fee or Reward), shall receive the Sum of forty Pounds from the Sheriff or Sheriffs of the County where the said Fact was done and committed, and upon Failure of Payment thereof by the said Sheriff or Sheriffs, Double the said Sum of forty Pounds, to be recovered against him or them, with Treble Costs of Suit, in Manner and Form as aforesaid.

IV. And it is hereby further enacted, That all Sheriffs, Sheriffs shall be their Executors or Administrators, upon producing such Certificates, and the Receipts for the Money by them paid in pursuance of this Act, shall be allowed, and are hereby impowered to deduct, upon their accounting with their Majesties, their Heirs and Successors, all Monies (other than the Double Sum and Sums of Money, and Costs of Suit) which they shall disburse as aforesaid, without any Fee or Reward whatsoever.

V. Provided always, That if, upon the Account of any Sheriff not having sufficient Monies paid by him or them by virtue of this Act, that then the Sheriff or Sheriffs, having so paid the said Monies, shall have the same repaid by the Lord Treasurer, or Commissioners of their Majesties Treasury for the Time being, out of the Revenue of the Crown, upon Certificate from the Clerk of the Pipe to that Effect.

VI. And it is hereby further enacted, That all and every Person or Persons who shall so take, apprehend, prosecute, Horse, &c.

No. 18. or convict such Robber or Robbers as aforesaid, as a further Reward, shall have and enjoy to his and their proper Use and Behoof, the Horse, Furniture, and Arms, Money, or other Goods of the said Robber or Robbers that shall be taken with him or them; any their Majesties Right or Title, Bodies Politick or Corporate, or the Right or Title thereunto of the Lord of any Manor, Liberty, or Franchise, or of him or them lending or letting the same to Hie to any such Robber or Robbers, in any wise notwithstanding: Provided always, That this Clause, or any Thing therein contained, shall not be construed to extend to take away the Right of any Person or Persons to such Horses, Furniture and Arms, Money, or other Goods, from whom the same were before feloniously taken.

**Person concerned discover-
ing two others
pardoned.**

VII. And be it further enacted, That if any Person or Persons, being out of Prison, shall, from and after the said five and twentieth Day of March, commit any Robbery, and afterwards discover two or more Person or Persons, who already hath, or hereafter shall commit any Robbery, so as two or more of the Person or Persons discovered shall be convicted of such Robbery, any such Discoverer shall himself have, and is hereby intitled to, the gracious Pardon of their Majesties, their Heirs and Successors, for all Robberies which he or they shall have committed at any Time or Times before such Discovery made; which Pardon shall be likewise a good Bar to any Appeal brought for any such Robbery.

No. 19.

10 and 11 William III. c. 23.—An Act for the better apprehending, prosecuting and punishing of Felons that commit Burglary, House-breaking, or Robbery in Shops, Warehouses, Coach-houses or Stables, or that steal Horses.

No. 19.
^{10 and 11}
William III.
c. 23.

WHEREAS the Crimes of Burglary and breaking open of Houses in a felonious Manner, and the Crime of stealing Goods privately out of Shops and Warehouses, commonly called *Shoplifting*, and the stealing of Horses, are of late Years much increased, to the great Detriment and unspeakable Loss of many of your Majesty's good Subjects, occasioned for Want of due Prosecution and Punishment of Offenders therein, and for Want of Encouragement to such as shall vigorously endeavour the apprehending of such Malefactors: For preventing whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of Persons stealing the same, That all and every Person and Persons, that shall at

any Time and Times, by Night or in the Day-time, from and after the twentieth Day of *May*, which shall be in the Year of our Lord one thousand six hundred ninety-nine, in (1.) any Shop, Warehouse, (2.) Coach-house or Stable, privately (3.) and feloniously steal any Goods, Wares or Merchandizes, (4.) being of the Value of five Shillings or more (although (5.) such Shop, Warehouse, Coach-house or Stable, be not actually broke open by such Offender or Offenders, and although the Owners of such Goods, or any other Person or Persons, be or be not in such Shop, Warehouse, Coach-house or Stable, to be put in Fear) or shall assist, hire or command any Person or Persons to commit such Offence, being thereof convicted or attainted by Verdict or Confession, or being indicted thereof shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of three and twenty Persons returned to be of the Jury, shall by Virtue of this Act be absolutely debarred and excluded of and from the Benefit of the Clergy. (6.)

No. 19.
10 and 11
William III.
c. 23.

Goods in any
Shop, &c. of
5s. Value
more.

excluded from
Benefit of
Clergy.

(1.) A Person not actually in the Shop, but only waiting at the Corner of the Street to receive the Goods, is not within this Statute; Wild's Case, Note to Drinker's Case, Leach, Ca. 7; Godfrey's Case, Leach, Ca. 141.

(2.) This Means only a Warehouse where Goods are exposed to sale, and not a Warehouse by the Waterside, for receiving Goods intended to be shipped; Howard's Case, Foster, 77; or the Warehouse of a Blackwell-hall Factor, where Goods are received for sale on Commission, but not exposed as in Shops; R. v. Godfrey, Leach, Ca. 141.

(3.) If the Person is detected, or even if his Conduct excites Suspicion, while he continues in the Shop, &c. it is thought sufficient to repel the Charge of privately stealing.

(4.) This extends only to Goods of the Trader exposed to Sale in the Shop or Warehouse, or to Things usually kept in Coach-houses or Stables; not to a Shirt left in a Mercer's Shop to be sent to be washed; 8 Mod. 165; to a Watch sent to a Watch-maker's to be repaired, and being in the Show Glass of the Shop, not being there for Sale; Stern's Case, Leach, Ca. 162; or Livery Coat of a Coachman hung up in the Stable; Foster, 78; Stone's Case, Leach, Ca. 147.

(5.) By this Expression it would seem to be taken for granted, that if there had been a Breaking, the Offence would have been capital; but the opposite Construction is fully established; Jones's Case, E. P. C. ch. 16. § 79.

(6.) The several Cases on this Clause shew an uniform Disposition, on the Part of the Judges, to give it the most confined Construction which the Language will by any Possibility admit; and have ascribed to it, in judicial Construction, a much more qualified Object and Intention than the Preamble seems to warrant. The Disposition of the Executive Power upon the Subject is also manifested by the Circumstance, that, during the whole of the present Reign, not more than one Instance is known of the Sentence having been carried into Execution. These Circumstances certainly manifest a strong and united Opinion of the general Disproportion subsisting between the Offence and the Punishment to which it is subjected; and it is admitted, that the Sentence ought only to be carried into Execution under very special and extraordinary Circumstances: although certainly it does not seem to be a high Recommendation of a Law, that it ought not to be commonly executed. The Circumstances of Aggravation which sometimes induce the Infliction of capital Punishment, in Cases of Larceny under the Authority of particular Statutes, are usually such as are perfectly collateral to the Ground of Aggravation immediately contemplated by the Statutes themselves, and might be equally applicable in Cases of other Larceny, in respect of which the extraordinary Precaution does not apply. With respect

No. 19.
to and ¹¹
William III.
c. 23.

Prosecutor of
Felon to have a
Certificate.

In case of Dis-
pute, Judge to
appoint the Cer-
tificate into
Shares.

* Altered by 6 Geo. I. c. 23. § 8.
By 5 Anne, c. 31. § 1 Apprehenders of
Burglars and
House-breakers
have a further
Reward of 40.

II. And be it enacted by the Authority aforesaid, That from and after the said twentieth Day of May one thousand six hundred ninety-nine, all and every Person and Persons; who shall apprehend and take any Person guilty of any the Felonies before mentioned, and prosecute him, her or them so apprehended and taken, until he, she or they be convicted of any the aforesaid Felonies, such Apprehenders and Takers, for his, her or their Reward upon every such Conviction, without any Fee or Reward to be paid for the same, shall have forthwith after every such Conviction a Certificate, which shall be under the Hand or Hands of the Judge, Justice or Justices before whom every such Conviction shall be had, certifying such Conviction, and also within what Parish or Place the Felony was committed, whereof any such Person or Persons was or were convicted as aforesaid, and also that such Felon or Felons was or were discovered and taken, or discovered, or taken, by the Person or Persons so discovering or apprehending any the said Felon or Felons; and in case any Dispute shall happen to arise between any of the Persons so

to the Influence of Terror and Example in preventing the Commission of Offences, the mere Existence of an Enactment in the Statute Book, never carried into Execution but under very extraordinary Circumstances, is not likely to have much Effect in preventing the Commission of such Crimes as are not distinguished from others not subject to the same Consequence; as it is not the Enactment of a Law, but the Probability of its Execution which can be justly calculated upon, as having any Impression on the Conduct of those who may be tempted to commit the Offence intended to be guarded against. Some attempts to repeal this and other statutable Provisions for making Larceny in particular Cases a capital Offence, have of late been the Subject of considerable Discussion. The Principles of Criminal Law, as applicable to the particular Subjects, have been expounded with the greatest Ability; but the Proposals have usually been resisted with Success, as indicating a Spirit of Innovation, and a Wish to deviate from the Wisdom of our Ancestors. The Proposal for abolishing the particular Enactment to which the present Note immediately applies, has met with a more favourable Reception than some others; for, after a successful Opposition in one or two Sessions in the House of Commons, the Bill for the Repeal has been, in subsequent Sessions, allowed to pass that House without Comment or Observation, and been successfully resisted, with almost as little Comment or Observation, in the House of Lords. To those who think the Credit of their Forefathers interested in the Preservation of this unexecuted Law, it may be material to notice, that the severest Punishment which, at the time of its Enactment, could be inflicted on Persons admitted to the Benefit of Clergy, was a Burning in the Hand and Imprisonment for a Year; and that Transportation was first applied to Cases of Larceny by Stat. 4 Geo. I. c. 11.

It would be foreign to the present Purpose to enter into any Discussion, whether the Punishment of Transportation ought to be continued, or relinquished agreeably to the Recommendation of a Report made by a Committee of the House of Commons, a few Days before committing these Observations to the Press. It must be admitted, that between capital Punishment, and the other Punishments, less than Transportation, which can be now inflicted in Cases of Felony, there ought to be intermediate Degrees; and whether Transportation is retained, or a greater Extension of the Penitentiary System is substituted, I do not think that the particular Qualities of the Offence at present under Consideration are such, as to render it less probable that the Law will have its proper Force and Efficacy in respect of them, than in respect of other Cases which are admitted not to require so severe a Remedy as the Punishment of Death.

discovering or apprehending any the said Felon or Felons so convict as aforesaid, touching their Right or Title to the said Certificate, that then the said Judge, Justice or Justices, or the major Part of them, so respectively making such Certificate as aforesaid, shall in and by his or their Certificate, direct and appoint the said Certificate into so many Shares, to be divided amongst the Persons therein concerned, as to the said Judge, Justice or Justices, or the major Part of them shall seem just and reasonable, which Certificate shall and may be once assigned over and no more, and the original Proprietor of such Certificate, or the Assignee of the same, whosoever of them shall have the Interest therein by Virtue thereof and of this present Act, shall and may be discharged of and from all and all Manner of Parish and Ward Offices, within the Parish (7.) or Ward wherein such Felony or Felonies shall be committed, and such Party or Assignee is hereby declared to be discharged therefrom; which said Certificate shall be enrolled by the Clerk of the Peace of the County in which the same shall be granted; for which Inrollment the said Clerk of the Peace of the County or City, in which the same shall be granted, shall have for his Fee the Sum of one Shilling, and no more.

III. Provided nevertheless, That if any Person having such Certificate, shall at any Time make Use of the said Certificate to exempt him from any Parish or Ward Office, such Person so making Use of the said Certificate, or any other Person or Persons claiming any Interest therein, shall not assign over the said Certificate to any Person or Persons whatsoever.

IV. And be it further enacted, That in case any Person or Persons shall happen to be slain by any such House-breakers, Horse-stealers, or other Felon aforesaid, by endeavouring to apprehend, or in making Pursuit after him, her or them, or to have the any of them, that then the Executors or Administrators of such Person or Persons so slain, to whom the Right of Administration of the personal Estate of every Person so slain shall belong, shall have the said Certificate in Manner as aforesaid, without Fee or Reward as aforesaid.

V. And be it further enacted, That if any Person or Persons, from and after the said twentieth Day of May in the two or more Fe-said Year of our Lord one thousand six hundred ninety and nine, shall commit any Burglary, House-breaking, or Felony in stealing of any Horse or Horses, or any Money, Wares or Goods, from whom the Benefit of the Clergy is by this Act taken away, and being out of Prison, shall discover two or more Person or Persons, who already hath, or hereafter shall commit any such Burglary, Horse-stealing or Felony as afore-

(7.) Where a Parish is part of a Manor, the Certificate does not exempt from Officers relating to the Manor; *Rex v. Derbyshire*, 2 Bur. 1182; but where a Parish consists of several Townships, the Exemption extends to the Officers of the respective Townships; *Moseley v. Stonehouse*, 7 East, 171.

No. 19.
to and tt
William III.
c. 23.

No. 19. said, and shall be convicted thereof, or cause to be discovered
 to and ¹¹
 William III. and apprehended two Persons or more, who shall be convicted
 c. 23.
 as aforesaid, every such Discoverer shall have, and is hereby
 intituled to his Majesty's most gracious Pardon for the Bur-
 glaries, House-breakings, Horse-stealings, or Felonies as
 aforesaid, which he, she or they shall have committed at any
 Time or Times before such Discovery made; which Pardon
 to be a good Bar shall be likewise a good Bar to any Appeal brought or to be
 to Appeal.
 brought for any such Burglary, House-breaking, Horse-steal-
 ing or Felony.

Persons con-
 victed of Theft
 or Larceny, in-
 stead of burning
 in the Hand, to
 be burnt in the
 left Cheek in
 open Court.

* Repealed by
 & Anæ, c. 6.
 & r.

VI. And forasmuch as many evil-disposed Persons might
 be deterred from offending, should the Punishment by Law
 to be inflicted on such Persons be made more visible; Be it
 further enacted, That from and after the said twentieth Day
 of May one thousand six hundred ninety-nine, all and
 every Person and Persons who shall be convicted of or for
 any Theft or Larceny, and shall have the Benefit of the
 Clergy allowed thereupon, or ought to be burnt in the Hand
 for such Offence, instead of being burnt in the Hand, shall
 with the usual Mark wherewith such Offenders, according to
 the Laws now in Force, ought to be burnt in the Hand, be
 burnt in the most visible Part of the left Cheek nearest the
 Nose, which Punishment shall be inflicted in open Court, in
 the Presence of the Judge, who is hereby directed and requir-
 ed to see the same strictly and effectually executed; any for-
 mer Law or Statute to the contrary thereto in any wise not-
 withstanding.

VII. And whereas the great Fees that are often de-
 manded and received by Clerks of Assize, of Persons that
 appear as Witnesses against Felons, tend very much to the
 discouraging their Conviction, to the great Damage of his
 Majesty's good Subjects; To remedy the same for the future
 be it enacted, That no Clerk of Assize, Clerk of the Peace,
 or other Person whatsoever, shall demand, take or receive any
 Fee or Reward of any Person whatsoever that shall be bound
 to pay Evidence to any Justice of the Peace to appear to give Evidence against
 no Fee, &c.

Fee for Bill of
 Indictment.

VIII. And whereas it often happens that Clerks of Assize,
 Clerks of the Crown, Clerks of the Peace, Clerks of the
 Indictments, or other proper Officers, their Clerks or De-
 puties, do draw Bills defective; Be it enacted, That if any
 Clerk of Assize, Clerk of the Crown, Clerk of the Peace,
 Clerk of the Indictments, or other proper Officer, or their
 Clerks or Deputies, shall draw any Bill defective, they shall
 draw new Bills without demanding any Fee or Reward what-
 ever, or forfeit the Sum of five Pounds, with full Costs of

Clerk of Assize,
 &c. drawing de-
 fective Bill, to
 draw a new one
 gratis.

Penalty.

Suit, and that all the Forfeitures aforesaid shall be recovered by him, her or them that will sue for the same, by Action of Debt, Bill, Plaintiff or Information, in any of his Majesty's Courts of Record, wherein no Essoin, Protection or Wager of Law shall be allowed.

No. 19.
to and 11
William III.
c. 23.

No. 20.

5 Anne, c. 6.—An Act for repealing a Clause in an Act intituled, “ An Act for the better apprehending, prosecuting, and punishing Felons that commit Burglaries, House Breaking, or Robberies in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses.”

WHEREAS by an Act made in the tenth Year of the Reign of his late Majesty King William the Third, intituled, “ An Act for the better apprehending, prosecuting, and punishing Felons that commit Burglaries, House-breaking, or Robbery in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses;” it is (amongst other Things) enacted, That from and after the twentieth Day of May one thousand six hundred ninety-nine, all and every Person and Persons, who should be convicted of or for any Theft or Larceny, and should have the Benefit of the Clergy allowed thereupon, or ought to be burnt in the Hand for such Offence, instead of being burnt in the Hand, should be burnt in the most visible Part of the left Cheek nearest the Nose: And whereas it hath been found by Experience, that the said Punishment hath not had its desired Effect, by deterring such Offenders from the further committing such Crimes and Offences, but on the contrary, such Offenders being rendered thereby unfit to be intrusted in any Service or Employment to get their Livelihood in any honest and lawful Way, become the more desperate; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

No. 20.
5 Anne,
c. 6.

10 & 11 W. 3.
c. 23.

in this present Parliament assembled, and by the Authority of the same, That from and after the fourteenth Day of February which shall be in the Year of our Lord one thousand seven hundred and six, so much of the said Act as inflicts or concerns the inflicting the said Punishment of burning in the Check, shall be and is hereby repealed.

II. And be it further enacted by the Authority aforesaid, That in all Cases where any Person or Persons shall, from and after the said fourteenth Day of February, be convicted of any Theft or Larceny, and shall have the Benefit of this Act allowed thereupon, or ought by the Laws in Force before the making the said Act, to be burned in the Hand for such Offence, shall be burnt in the Hand, as formerly they should or ought to have been before the making of the said Act; and

Offenders to be
burnt in the
Hand as for-
merly:

No. 20. the Judge or Justices before whom such Offender or Offenders shall be tried and convicted, shall also, at his or their Discretion, award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction or publick Work-house within the County, City, Town, or Place where such Conviction shall be, there to be, remain, and be kept, without Bail or Mainprize, for such Time as such Judge or Justices shall then judge and award, not less than six Months, and not exceeding two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award, and such Offender and Offenders, so judged and awarded to remain and be kept in such House of Correction or publick Work-house, shall be there set at Work, and kept at hard Labour for and during such Time as shall be so adjudged and recorded:

And committed to Workhouse, &c. for six Months, &c.

Penalty on such as refuse to work.

If Offenders escape and be re-taken, to be committed to Workhouse for twelve Months, &c.

and kept at hard Labour.

the Judge or Justices before whom such Offender or Offenders shall be tried and convicted, shall also, at his or their Discretion, award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction or publick Work-house within the County, City, Town, or Place where such Conviction shall be, there to be, remain, and be kept, without Bail or Mainprize, for such Time as such Judge or Justices shall then judge and award, not less than six Months, and not exceeding two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award, and such Offender and Offenders, so judged and awarded to remain and be kept in such House of Correction or publick Work-house, shall be there set at Work, and kept at hard Labour for and during such Time as shall be so adjudged and recorded: and in case such Person or Persons shall refuse or neglect to work and Labour as they ought to do, the Master or Keeper of such House of Correction or publick Work-house respectively, is hereby required to give such Person such due Correction as shall be fit and necessary in that Behalf.

III. And be it further enacted by the Authority aforesaid, That in case any such Offender or Offenders shall, after such Judgment given, escape out of Prison, or out of such House of Correction or publick Work-house, as he she or they shall be committed unto as aforesaid, such Person or Persons, being afterwards retaken, shall be brought before some or one of her Majesty's Judges, or before two or more Justices of the Peace (whereof one to be of the Quorum) of such County, City, Town, or Place, where such Offender or Offenders shall be so retaken; which Judge or Justices are hereby required to commit such Offender and Offenders to some House of Correction or publick Work-house, within such County, City, Town, or Place, where he, she, or they shall be so retaken, there to remain without Bail or Mainprize for any Time not less than twelve Months, and not exceeding four Years, to be accounted from the Time of such retaking, and there to be set at work and kept at hard Labour, and receive such due Correction, as aforesaid; and in case any Master or Keeper of any House of Correction, or publick Work-house, shall neglect to do his Duty, as above directed, any Judge or Justice of Assize or Gaol Delivery, upon Complaint, and due Proof thereof upon the Oath of one or more Witnesses to him made, shall be and is hereby empowered to remove every such Person from his said Office.

Felons convict to have Benefit of this Act, without being required to read, &c.

IV. And forasmuch as when any Person is convicted for any Felony within the Benefit of Clergy, upon his Prayer to have the Benefit thereof allowed to him, it hath been used to administer a Book to him to try whether he can read as a Clerk, which by Experience is found to be of no Use; Be it therefore enacted by the Authority aforesaid, That from and after the said fourteenth Day of February, if any Person be convicted of any such Felony, for which he ought to have

had the Benefit of his Clergy if this Act had not been made, and shall pray to have the Benefit of this Act, he shall not be required to read, but without any reading, shall be allowed, taken, and reputed to be, and punished as, a Clerk convict, which shall be as effectual to all Intents and Purposes, and be as advantageous to him, as if he had read as a Clerk; any Thing in this Act, or any other Law or Statute to the contrary notwithstanding.

No. 20.
5 Anne,
c. 6.

No. 21.

5 Anne, c. 31.—An Act for the Encouraging the Discovery and Apprehending of Housebreakers.

WHEREAS the Crime of Burglary and breaking open Houses in a felonious Manner, are of late Years become more frequent than formerly, to the great Disquiet, Terror, and Impoverishing of many of your Majesty's good Subjects; which Crimes might be, in great Measure, prevented, if due Encouragement be given to such as shall vigorously endeavour the Discovery and apprehending of such Malefactors, and some severe Punishment inflicted on such as shall receive or buy stolen Goods, and harbour and protect the said Offenders: For Remedy whereof, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the tenth Day of May one thousand seven hundred and seven, all and every Person and Persons who shall apprehend and take any Person or Persons guilty of Burglary, or the felonious Breaking and Entering of any House in the Day-time, and prosecute him, her, or them, so apprehended and taken, until he, she, or they be convicted of such Burglary or Felony, shall have and receive, over and above the Rewards given by one Act of Parliament made at Westminster, in the tenth and eleventh Years of the Reign of his late Majesty King William of glorious Memory, intituled, "An Act for the better Apprehending, Preventing, and Punishing of Felons that commit Burglary, House-breaking, or Robbery in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses," the Sum of forty Pounds within one Month after such Conviction, to be paid payable by the Sheriff or Sheriffs of the County where such Felony or Burglary shall be made and done, without any Fee for the same, to the Person or Persons so taking, apprehending, and prosecuting the said Offenders, he and they rendering a Certificate to the said Sheriff or Sheriffs, under the Hand or Hands of the Judges or Justices before whom such Felon shall be convicted for such Burglary or Felony, certifying the Conviction of such Felon for the said Offence or Offences, and in what Parish the same was committed, and also that such Felon or Felons

No. 21.
5 Anne,
c. 31.

Apprehenders of
Burglars, &c. to
have 40 l. over
and above the
Rewards by
10 & 11 W. 3.
c. 23.

No. 21. was or were taken by the Person or Persons claiming the said Reward; and in case any Dispute shall happen to arise between the Persons so apprehending any the said Felons, touching their Right and Title to the said Reward, that then the said Judge or Justices so respectively certifying as aforesaid, shall in and by their said Certificate direct and appoint the said Reward to be paid to and amongst the Parties claiming the same, in such Share and Proportions as to the said Judge or Justices shall seem just and reasonable; and if it shall happen that any such Sheriff or Sheriffs shall die or be removed before the Expiration of one Month after such Conviction and Demand made of the said Reward (not being paid as aforesaid) that then the next succeeding Sheriff or Sheriffs shall pay the same within one Month after Demand, and Certificate brought as aforesaid; and if Default of Payment of the said Sum or Sums of Money shall happen to be made by any Sheriff or Sheriffs, such Sheriff or Sheriffs so making Default shall forfeit to the Person or Persons to whom such Money is due as aforesaid, double the Sum or Sums of Money he or they ought to have paid, to be recovered by him or them, or his or their Executors or Administrators, in any of her Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaintiff, or Information, wherein but one Impariment, and no Essoin, Protection, or Wager of Law shall be allowed, with Treble Costs of Suit, by him or them expended in the Recovery of the same.

Watchman or other killed in Pursuit of House-breaker, his Executor, &c. entitled to the 40l.
By 3 Geo. I. c. 15. § 4.
Sheriffs may apply to the Treasury without charging this Money in their Account.

Sheriff to deduct Monies so paid on their Accounts,

II. And be it further enacted, That in case any Watchman, or any other Person or Persons shall happen to be killed by any such Burglar or House-breaker, endeavouring to apprehend, or in making Pursuit after him or them, that then the Executors or Administrators, or such Person or Persons to whom the Right of Administration of the Personal Estate of such Person so killed shall belong, upon Certificate delivered under the Hands and Seals of the Judge or Justices of Assize of the County where the Fact was committed, or the two next Justices of the Peace, of such Person or Persons being so killed, which Certificate the said Judge or Justices, upon sufficient Proof before them made, are immediately required to give without Fee or Reward, shall receive the Sum of forty Pounds from the Sheriff or Sheriffs of the County where the said Fact was done and committed; and upon Failure of Payment thereof by the said Sheriff or Sheriffs, double the Sum of forty Pounds to be recovered against them, with Treble Costs of Suit, in Manner and Form as aforesaid.

III. And it is hereby further enacted, That all Sheriffs, their Executors, and Administrators, upon producing such respective Certificates, and the Receipts for the Money paid by them, in pursuance of this Act, shall be allowed, and are hereby impowered to deduct, upon their Accounts, all Monies, other than double the Sum and Sums of Money, and Treble Costs of Suit, which they shall disburse as aforesaid; and that if upon Account of any Sheriff or Sheriffs, there shall not be

Money sufficient in the Hands of such Sheriff or Sheriffs to reimburse him or them such Monies paid by him or them by virtue of this Act, that then the Sheriff or Sheriffs having so paid the said Monies, shall have the same repaid by the Lord Treasurer, or Commissioners of her Majesty's Treasury for the Time being, out of the Revenue of the Crown, upon Certificate from the Clerk of the Pipe to that Effect.

No. 21.
5 Anne,
c. 31.
and be repaid by
Lord Treasurer.

IV. And be it further enacted, That if any Person or Felon, &c. dis-Persons being out of Prison, shall from and after the said tenth covering two or Day of May commit any Burglary or Felony as aforesaid, and shall on Convic-
afterwards discover two or more Persons who already have, or tion be entitled
hereafter shall commit any such Burglaries or Felonies, so as to Reward,
two or more of the Persons discovered shall be convicted of
such Burglary or Felony, any such Discoverer shall himself
have the like Reward and Allowance of forty Pounds hereby
promised to be paid to the Person or Persons who shall apprehend
and convict House-breakers, and all other Advantages given to
such Taker and Prosecutor, and shall also be himself entitled
to the gracious Pardon of her Majesty, her Heirs and Success-
ors, for all Burglaries, Robberies, and Félonies (except Mur-
der and Treason) by him committed at any Time or Times
before such Discovery made, which Pardon shall be likewise a good Bar to any Appeal brought for such Burglary, Robbery or
Felony.

V. And forasmuch as the said Felons are much encou- Buyers or Re-
raged to commit such Burglaries and Felonies, because a great ceivers of stolen
Number of Persons make it a Trade to receive and buy of the Goods, made
said Felons the Goods so by them feloniously taken, and also Accessories,
do make it their Business to harbour and conceal the said
Offenders after the said Facts, knowing the said Felonies and
Burglaries to have been by them committed: Be it therefore
enacted by the Authority aforesaid, That if any Person or Per-
sons shall receive or buy any Goods or Chattels that shall be
feloniously taken or stolen from any other Person, know-
ing the same to be stolen, or shall receive, harbour, or con-
ceal any Burglars, Felons, or Thieves, knowing them to be so,
shall be taken and received as Accessory or Accessories to the
said Felony or Felonies; and being of either of the said Offen-
ces legally convicted, by the Testimony of one or more credi-
ble Witnesses, shall suffer and incur the Pains of Death as a
Felon convict. (1.)

VI. Provided always, That if any such principal Felon If principal Fe-
cannot be taken, so as to be prosecuted and convicted for any lon cannot be
such Offence, yet nevertheless it shall and may be lawful to pro-
secute and punish every such Person and Persons buying or Acces-
receiving any Goods stolen, by any such principal Felon, sary to be tried
knowing the same to be stolen, as for a Misdemeanor, to be
punished by Fine and Imprisonment, or other such corporal
Punishment as the Court shall think fit to inflict, although the
principal Felon be not before convict of the said Felony.

(1.) This and the following Section will be included, with the other Provisions respecting Stolen Goods, in the next Class.

No. 21. which shall exempt the Offender from being punished as Accessary, if such principal Felon shall be afterwards taken and convicted.

Judges, &c.
to settle the
Shares of Per-
sons to the Cer-
tificate, &c.

5 Anne, c. 31. VII. Provided always, and be it enacted by the Authority aforesaid, That the Judge or Justices (before whom such Felons and House-breakers shall be convicted, as aforesaid) shall determine and settle the Right, Rights, and Shares of such respective Persons, who by virtue of this Act shall be entitled to the Certificate herein directed to be given, and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered, the said Certificate without Fee or Reward to such Person or Persons entitled thereunto, before the End of such Assizes or Sessions wherein such Conviction, as aforesaid, shall be had.

[VIII. No Sheriff of London or Middlesex to take of Under Sheriff any Gratuity for Place of under Sheriff. — Nor oblige him to be at any Expense, &c. — Exception.]

No. 22.

12 Anne, stat. 1. c. 7.—An Act for the more effectual preventing and punishing Robberies that shall be committed in Houses.

No. 22.
12 Anne,
st. 1. c. 7.

Persons stealing
to the Value of
40s. being in a
Dwelling
House, though
such House, &c.
&c. and being

FORASMUCH as divers wicked and ill-disposed Servants, and other Persons, are encouraged to commit Robberies in Houses, by the Privilege, as the Law now is, of demanding the Benefit of their Clergy; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons that shall, at any Time, from and after the first Day of July in the Year one thousand seven hundred and thirteen, feloniously steal any Money, Goods or Chattels, Wares or Merchandizes, (1.) of the Value of forty Shillings (2.) or more, being in any Dwelling-house (3.) or Outhouse thereunto belonging, although

(1.) Bank Notes and other written Instruments, of which Larceny may be committed under Stat. 2 Geo. II. § 25, are deprived of Clergy under this Statute; Dean's Case, E. P. C. ch. 16. § 89.

(2.) Several Larcenies cannot be added together to constitute this Offence; and it must therefore appear by the Evidence, that Property to the Value of 40s. was taken at one Time; R. v. Petrie, Leach, Ca. 145; 2 E. 740.

(3.) The same Circumstances are requisite to constitute a Dwelling-house with Reference to this Act, as are necessary in Case of Burglary. And a House in which neither the Prosecutor nor any of his Family lived or resided, although a Person may have slept therein in order to take Care of the Furniture, is not within the Act. See the several Cases of Lyons and Miller, Holland, Thompson, Harris and Davis, E. P. C. ch. 15. § 12. The Act is considered as being passed principally for the Protection of the Owner of the House, and is therefore held not to extend to a Larceny committed by the Owner or his Wife. See the several Cases of Mac Donnel and Gould, E. P. C. ch. 16. § 81. The Act also only extends to protect Pro-

such House or Outhouse be not actually broken by such Offender, and although the Owner of such Goods, or any other Person or Persons, be or be not in such House or Outhouse, or shall assist or aid any Person or Persons to commit any such Offence, being thereof convicted or attainted by Verdict or Confession, or being indicted thereof shall stand mute, or will not directly answer to the Indictment, or shall peremptorily challenge above the Number of twenty returned to be of the Jury, shall, by virtue of this Act, be absolutely debarred of and from the Benefit of Clergy; any Law or Custom to the contrary notwithstanding.

II. Provided always, That nothing in this Act shall extend to Apprentices under the Age of fifteen Years, who shall rob their Masters, as aforesaid.

III. And whereas there has been some Doubt, whether 'the entring into the Mansion-house of another, without break-
ing the same, with an Intent to commit some Felony, and
breaking the said House in the Night-time to get out, be
Burglary;' Be it declared and enacted by the Authority
aforesaid, That if any Person shall enter into the Mansion or Dwelling House of another, by Day or by Night, without breaking the same, with an Intent to commit Felony, or being in such House shall commit any Felony, and shall in the Night-time break the said House to get out of the same, such Person is and shall be adjudged and taken to be guilty of Burglary, and shall be ousted of the Benefit of his and her Clergy, in the out, shall be same Manner as if such Person had broke and entred the said House in the Night-time, with an Intent to commit Felony there. (4.)

erty usually kept or deposited in the House, as distinguished from Property under the Protection of the Person; and not to Cases of Ring-dropping and other Tricks amounting to Larceny. See the Cases of Campbell, Owen and Castledine, L. P. C. ch. 16. § 82

(4) This was said to have been Law before. But it had been doubted by Holt and Trevor C. J. in the Case of Elizabeth Clarke, O. B. 1707, upon a special Verdict found by the Direction of the former; in Consequence of which the Act was passed; E. P. C. ch. 15. § 6. and Authorities there cited.

No. 22.
12 Anne,
st. 1. c. 7.

thereof convicted,
shall be de-
barred the
Benefit of
Clergy.

No. 23.

12 Anne, stat. 2. c. 18.—An Act for the Preserving all such Ships and Goods thereof, which shall happen to be forced on Shore, or stranded, upon the Coasts of this Kingdom, or any other of her Majesty's Dominions.

[Inserted Pt. III. Cl. II. No. 8.]

No. 24.

4 George I. c. 11. — An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates.*

* This Act will be inserted in the last Class of the present Part, with the other Provisions respecting Transportation. The Clause against receiving Stolen Goods will form one of the Numbers of Class VIII. infra.

No. 25.

D. **6 George I. c. 23.** — An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons.†

No. 25. **6 George I. c. 23.** **VIII.** AND whereas frequent Robberies have been lately committed in the Streets of *London* and *Westminster*, and other Cities, Towns and Places, and Doubts have arisen whether any Reward could be allowed to Persons concerned in the apprehending, prosecuting and convicting such Offenders, which may prove a Discouragement to Persons who otherwise may be willing to undertake the same: Be it hereby enacted by the Authority aforesaid, That the Streets of *London* and *Westminster*, and other Cities, Towns and Places, shall be deemed and taken to be Highways to all Intents and Purposes, within the Intent and Meaning of an Act made in the fourth and fifth Years of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, "An Act for the encouraging the apprehending of Highwaymen;" and all Certificates to be hereafter signed upon Convictions for Robbery, shall be signed and paid without any Deduction, Fee or Reward to be taken for the same, excepting any Sum not exceeding five Shillings for the Writing and Drawing thereof, and that as well where any Offender or Offenders plead guilty, as where they are convicted on Evidence; and if any Person or Persons, under the Pretence of signing or procuring to be signed any such Certificate, or on Account of Payment of the Money allowed therein, shall take any Fee or Reward for the same, other than as aforesaid, every such Person or Persons offending therein, shall forfeit and pay the Sum of forty Pounds, to be recovered by Action of Debt, Bill, Plaintiff, Suit or Information, in any of his Majesty's Courts of Record at *Westminster*, where no Essoin, Protection or Wager of Law shall be allowed; or any more than one Imparllance, such Forfeiture to be to the Use of the Person or Persons entitled to the said

* For the preceding Sections of this Act, see the Laws respecting Transportation, in the last Class of the present Part. For Section XI, respecting Assaults with Intent to spoil Cloaths, see Class VI. supra.

Certificate, on the Account of which such Fee or Reward was taken as aforesaid.

No. 25.
6 George I.
c. 23.

IX. And whereas the Practice of taking Money to help Persons to their stolen Goods, and sharing it with the Felons, is still continued in Defiance of the Laws, and to the Encouragement of Felons: Be it enacted by the Authority aforesaid, That whoever shall discover, apprehend and prosecute to Conviction of Felony without Benefit of Clergy, any Person or Persons for the said Offence of taking Money or other Reward, directly or indirectly, to help any Person or Persons to their stolen Goods (such Offender not having apprehended the Felon who stole the same, and brought him or her to Trial for the same, and given Evidence against him or her as required by Law) shall be entitled to a Reward of forty Pounds for every such Offender so convicted, as aforesaid, and shall have the like Certificate, and like Payments made without Fee or Reward as any Person or Persons may be entitled unto for the apprehending, prosecuting and convicting of Highwaymen by any Law or Laws for that Purpose.

Prosecuting to
Conviction any
Person for tak-
ing a Reward
for helping to
stolen Goods,
to 40 l.
4 Geo. I. c. 25.
sect. 4. †

X. And be it further declared by the Authority aforesaid, That the Reward of forty Pounds for the apprehending and convicting any Person or Persons for Burglary, shall be paid without any Deduction as aforesaid, for every Offender who shall be apprehended and convicted for the said Crime.

The Reward of
40 l. to be paid
without Deduc-
tion.

† See the next Class.

No. 26.

2 George II. c. 25.—An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury; and to make it Felony to steal Bonds, Notes or other Securities for Payment of Money.*

p.

III. AND be it further enacted by the Authority aforesaid, That if any Person or Persons, after the said twenty-ninth Day of June shall steal or take by Robbery any Exchequer Orders or Tallies, or other Orders, intitling any other Person or Persons to any Annuity or Share in any parliamentary Fund, or any Exchequer Bills, Bank Notes, (1.) South-Sea Bonds, East-India Bonds, Dividend Warrants of the Bank, South-Sea Company, East-India Company or any other Company, Society or Corporation, Bills of Ex-

No. 26.
2 George II.
c. 25.
To steal Orders
Tallies, &c.
Felony.

* Passed for five Years.—Revived and made perpetual 9 Geo. II. c. 18. For Section I. respecting Forgery, and Section II. respecting Perjury, see those respective Titles, post.

(1.) Stealing one Bank Note, &c. is sufficient to constitute a Felony within the Act; Hassel's Case, Leach, 1. E. P. C. ch. 16. § 97. An Indictment for stealing a Note, commonly called a Bank Note, is not good; as it does not follow any of the Descriptions of the Statute; Craven's Case, E. P. C. ch. 16. § 37.

No. 26. charge, (2.) Navy Bills or Debentures, Goldsmiths Notes for Payment of Money, or other Bonds or Warrants, Bills or Promissory Notes (3.) for the Payment of any Money, (4.) being the Property of any other Person or Persons, or of any Corporation, notwithstanding any of the said Particulars are termed in Law a *Chose in Action*, (5.) it shall be deemed and construed to be Felony, of the same Nature and in the same Degree, and with or without the Benefit of Clergy, (6.) in the same Manner as it would have been, if the Offender had stolen or taken by Robbery, any other Goods of like Value with the Money due on such Orders, Tallies, Bills, Bonds, Warrants, Debentures or Notes, or secured thereby, and remaining unsatisfied, and such Offender shall suffer such Punishment as he or she should or might have done, if he or she had stolen other Goods of the like Value with the Monies due on such Orders, Tallies, Bonds, Bills, Warrants, Debentures or Notes respectively, (7.) or secured thereby, and remaining unsatisfied; any Law to the contrary thereof in any wise used notwithstanding. (8.)

(2.) An Indictment for stealing a Bill, indorsed with the Names of A. B. and C. D. held good, although the Prisoner afterwards indorsed the Name D. E. and there was no Proof of his having it in the County in which he was indicted, without such last Indorsement; R. v. Austin, E. P. C. ch. 16. § 37.

(3.) *One Promissory Note for the Payment of five Pounds* is a sufficient Description; Milner's Case, E. P. C. ch. 16. § 37.

(4.) Where the Prisoner by Duress, and under a Menace of Death, compelled the Prosecutor to sign a Promissory Note, previously written on a Stamp brought by her to him for the Purpose, it was held not to be a Stealing within the Act; Phipoe's Case, Leach, Ca. 283.

(5.) It is incorrect to describe the Subjects above enumerated, as *Chattels*; but the Word may be rejected as a Surplusage; R. v. Sadi and Morris, E. P. C. ch. 16. § 37. In the same Case, E. P. C. ch. 16. § 143. there was a Difference of Opinion amongst the Judges, whether the Receiving the Articles mentioned in the Statute was an Offence within the Acts against receiving Stolen Goods; but the Majority were of Opinion that it was not. Sir E. H. East suggests a Doubt, whether this Opinion was not overruled by Dean's Case, and other Cases mentioned infra, where stealing the Property in Question was held within the Statutes taking away the Benefit of Clergy; but the Cases clearly stand on very different Grounds; the one relating to the Description of the Property as satisfying the Words of the Statutes against Receivers—the other upon the Consequences attaching, under the immediate Authority of the present Act, to the Offences included therein. And the late Sir Alexr. Thomson, in a Case in which I was Counsel, expressly decided that an Indictment could not be maintained in such Case against a Receiver.

(6.) The Stealing of these Descriptions of Property is ousted of Clergy, under the Acts for stealing in Dwelling-Houses; or in other Cases where particular Larcenies are made capital by Statute; Dean's Case, Leach, Ca. 283. E. P. C. ch. 16. § 83; Milne's Case, E. P. C. ch. 16. § 37.

(7.) Ruled that an Indictment for stealing nine Bank Notes for the Payment of divers Sums of Money, amounting in the whole to £9, was sufficient; and that it was not necessary to aver that each of the Notes was for the Payment of £1; R. v. Johnson, Leach, 4th. Ed. Ca. 206.

(8.) This Statute having expired and been re-enacted by 9 George II. R. that an Indictment concluding *contra Formam Statutis* is sufficient; Morgan's Case, E. P. C. ch. 16. § 37.

4 George II. c. 32.—An Act for the more effectual punishing Stealers of Lead or Iron Bars fixed to Houses, or any Fences belonging therunto.

WHEREAS the pernicious Practice of stealing Lead, Iron Bars, Iron Gates, Iron Palisadoes and Iron Rails fixed to Dwelling-houses, Out-houses, Coach-houses, Stables, and other Buildings, and fixed in Gardens, Orchards, Court-yards, Fences and Out-lets, belonging to Dwelling-houses and other Buildings, hath of late Time been much used, to the great Detriment of his Majesty's Subjects; and it is necessary, for the more effectual preventing of such Offences, to inflict a more exemplary Punishment on such Offenders, than by the Laws of this Realm can now be done; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June one thousand seven hundred and thirty-one, all and every Person and Persons, who shall steal, Stealers of rip, cut or break, with Intent to steal, any Lead, Iron (1.) Bar, Iron Gate, Iron Palisadoe, or Iron Rail whatsoever, being fixed to any Dwelling-house, Out-house, Coach-house, Stable or other Building, (2.) used or occupied with such Building whatsoever, or fixed in any Garden, Orchard, Court-yard, Fence or Outlet, (3.) belonging to any Dwelling-house or other Building, shall be deemed and construed to be guilty of Felony; (1.) and every such Felon and Felons shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court, by and before whom such Person or Persons shall be tried, shall, and hereby have Power and Authority to transport such Felons for the Space of seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm; and all and every Person and Persons who shall be aiding, abetting or assisting in stealing, or in such ripping, cutting or breaking any Lead, Iron Bar, Iron Gate, Iron Palisadoe or Iron Rail, fixed to any

No. 27.
4 George II.
c. 32.

(1.) A Window Casement, made of Iron, Lead and Glass, ruled not to be within the Act; R. v. Senior, Leach, Ca. 227.

(2.) Lead, &c. fixed to a Church is within the Act. The Article may be laid to be the Property of the Vicar, but not of the Inhabitants or Churchwardens; but the better way is to describe it only as affixed to the Church; or, in case of Lead, &c. fixed to a House, to charge it as fixed to a House belonging to A. B.; Hickman's Case, Leach, Ca. 137. E. P. C. ch. 16. § 31.

(3.) An Iron Rail to a Tomb Stone] in the Church-Yard, not connected by any Building with the Church, ruled not to be within the Act; R. v. Davies, E. P. C. ch. 16. § 31.

(4.) A Defendant under this Act may be convicted, and have Judgment for Petty Larceny; E. P. C. ch. 16. § 31. A Person entering into a Contract for the Purpose of getting fraudulent Possession of a House, and stripping it of the Lead, &c. ruled to be within the Act; Munday's Case, ibid.

and be transpor-
ted for seven
Years.

No. 27. Dwelling-house, Out-house, Coach-house, Stable or other Building, or fixed in any Garden, Orchard, Court-yard, Fence or Outlet, belonging to any Dwelling-house or other Building, or who shall buy or receive any such Lead, Iron Bar, Iron Gate, Iron Palisadoe or Iron Rail, knowing the same to be stolen, shall be subject and liable to the same Punishments, as if he, she, or they had stolen the same; any Law to the contrary in any wise notwithstanding.

4 George II.
c. 32.

No. 28. 7 George II. c. 21.—An Act for the more effectual Punishment of Assaults with Intent to commit Robbery.

Persons con-
victed of assault-
ing others with
offensive Wea-
pons, and a

WHEREAS many of his Majesty's Subjects have of late frequently been put in great Fear and Danger of their Lives, by wicked and ill disposed Persons assaulting and attempting to rob them: And whereas the Punishment of such Offenders is not adequate to the Heinousness of the Crime, nor sufficient to deter wicked Persons from such Attempts: To the End thereof that all Persons may be deterred from committing such Offences, and for the greater Punishment of such Offenders, and for the more effectual preventing of the like Mischiefs for the future; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the first Day of May in the Year of our Lord one thousand seven hundred and thirty-four, shall, with any offensive (1.) Weapon or Instrument, unlawfully and malici-

(1.) In Luce's Case, O. B. February, 1785, founded on Stat. 19 Geo. II. c. 34, for rescuing Goods from Officers of Excise, it was ruled that large Sticks, about three Feet long, with large Knobs at the End with several Prongs, the natural Growth of the Stick, were not offensive Weapons within the Act: but in the Case of Cosens, the very Sessions following, it being objected that very large Club Sticks, such as People ride with to defend themselves, were not offensive Weapons within the 19 Geo. II. the Court said, that although it was difficult to say what should or should not be called an offensive Weapon, it would be going a great deal too far to say, that nothing but Guns, Pistols, Daggers and Instruments of War, should be so considered; but that Bludgeons, (properly so called) Clubs, and any Thing that is not in common use for any other Purpose but a Weapon, are clearly offensive Weapons within the Meaning of the Legislature. In that Case the Point was left to the Jury, and the Prisoner was acquitted; Leach, Ca. 167. Notes. In the Case of Jackson and Randall, on the present Statute, E. P. C. ch. 8. § 18, the Assault was stated to be made with an offensive Weapon, called a Wooden Staff, and appeared on the Evidence to be made by throwing a Stone; the Case being reserved for the Opinion of the Judges, the Variance was held not to be material, as the Weapon laid, and that proved, would produce the same Kind of Mischief, viz. by Blows and Bruises; and the Description would have been sufficient in an Indictment for Murder. This Case (although the Question turned on the Mode of charging the Offence

ously (2.) assault, (3.) or (4.) shall by Menaces, or in or by any forcible or violent Manner, demand (5.) any Money, Goods or Chattles, of or from any other Person or Persons with a felonious Intent to rob (6.) or commit Robbery upon such (7.) Person or Persons, that then, and in every such Case, all and every such Person and Persons so offending, being thereof lawfully convicted, shall be, and be adjudged guilty of Felony, and every such Offender and Offenders shall be subject and liable to be transported as in Cases of Felony; and the Courts by and before whom he, she, or they shall be tried and convicted, shall have full Power and Authority of transporting such Offenders for the Space of seven Years, upon the like Terms and Conditions, and by the same Ways and Means, and in like Manner as other Felons may or are to be transported to any of his Majesty's Colonies or Plantations in America, by force or virtue of any Law for that Purpose now in being.

II. And be it further enacted by the Authority aforesaid, That if any such Offender or Offenders aforesaid, who shall be ordered for Transportation by or by virtue of this present Act, shall break Gaol, or escape before such Transportation, or shall return into any Part of Great Britain or Ireland before the Expiration of the said seven Years, for which such Offender or Offenders shall be so ordered to be transported, as aforesaid, contrary to the Intent and Meaning hereof; all and every such Person and Persons so breaking Gaol, escaping, or returning

No. 28.
7 George II.
c. 21.

Design to rob,
shall be trans-
ported for 7
Years.

in the Indictment) necessarily proves a Staff or a Stone to be an offensive Weapon within the Act

(2.) An Indictment for an *Assault* with Intent, &c. must charge it to be unlawfully and maliciously, as well as feloniously: this is not necessary in an Indictment for a *Demand*, as the Act is in the Disjunctive; Pegge's Case, E. P. C. ch. 8. § 12.

(3.) A Commitment for an *Assault* with Intent, &c. not stating it to be made with a Weapon, nor stating any Demand by Menaces, &c. held not to be within the Act, and the Defendant bailed; R. v. Remnant, 5 T. R. 169.

(4.) An Indictment that the Defendant did assault, and did menace to blow out the Brains of the Prosecutor, with Intent, &c. is not sufficient. It must either state an *Assault* with an offensive Weapon, or that the Defendant by Menaces, or in a forcible or violent Manner, did demand Money, &c. R. v. Jackson and Randall, Leach, Ca. 133; E. P. C. ch. 8. § 21.

(5.) In Parfait's Case, Leach, Ca. 8. it was ruled, that holding a Pistol to a Coachman, and saying "stop," was not within the Act; although it was admitted that the Demand need not be with Words. See Observations on this Case, E. P. C. ch. 8. § 11. where the Decision is supposed to have turned upon the Point mentioned n. (7.) infra.

(6.) Presenting a Pistol to a Person and bidding him "stop," and on his calling out for Assistance, threatening to blow his Brains out if he called out any more, was held sufficient to support an Indictment for an *Assault* with Intent to rob; R. v. Trusty, E. P. C. ch. 8. § 11. A Charge for an *Assault* with a Weapon, with Intent the Monies of the said A. B. from his Person and against his Will to steal, held not sufficient to charge an Intent to rob: the Prisoner was afterwards convicted on another Indictment, charging an Intent violently to steal. It is not stated that any Objection was made to the second Indictment, for not using the Word "rob," but it seems to be implied that that Word was not necessary. It would, however, be preferable to follow the Words of the Act, and expressly charge an Intent to rob.

(7.) An *Assault* on a Post Boy, with Intent to rob the Person in the Chaise, there being no Demand, is not a Case within the Act, R. v. Thomas, Leach, Ca. 140; E. P. C. ch. 8. § 11.

No. 23. into any Part of *Great Britain or Ireland*, within the Time
7 George II. c. 21. aforesaid, being thereof lawfully convicted, shall suffer Death
 as Felons, and have Execution awarded against them as Persons
 attainted of Felony, without Benefit of Clergy.

No. 29.

14 George II. c. 6.—An Act to render the Laws more effectual for the preventing the stealing, and destroying of Sheep, and other Cattle.

No. 29.
14 George II. c. 6.

WHEREAS divers evil-disposed Persons have of late more generally and frequently than was ever known before, made it their Practices secretly in the Night-time to drive away and steal great Numbers of Sheep, and likewise secretly in the Night-time to kill great Numbers of Sheep, and to strip off their Skins, and then steal the Carcasses of the Sheep so killed, leaving their Skins behind to prevent Discoveries; and also in like Manner to kill great Numbers of Sheep, and then cut open the Sheep so killed, and take out and steal their inward Fat, leaving their Carcasses behind to prevent being discovered; by which wicked Practices many of his Majesty's good Subjects have been very greatly injured in their Properties, and put to very great Charges in having their Sheep and other Cattle watched: And whereas the Laws in being have not proved effectual to prevent the Increase of the said wicked Practices; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, at any Time, from and after the first Day of *May* in the Year of our Lord one thousand seven hundred and forty-one, feloniously drive away, or in any other Manner feloniously steal, one or more Sheep or other Cattle of any other Person or Persons Part of them, Felony, without whatsoever, or shall wilfully kill (1.) one or more Sheep or other Cattle of any other Person or Persons whatsoever, with a felonious Intent to steal the whole Carcase or Carcasses, or any Part or Parts of the Carcase or Carcasses of any one or more Sheep or other Cattle that shall be so killed, or shall assist or aid any Person or Persons to commit any such Offence or Offences; that then the Person or Persons guilty of any such Offence, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy. (2.)

(1.) An Indictment for stealing Lambs supported by Evidence that they were taken from the Fold and killed, the Skins taken and the Carcasses left; and that no Count for killing with Intent to steal the Carcase was necessary; Rawlin's Case, E. P. C. ch. 16. §. 48.

(2.) An Indictment may be against A. for stealing a live Sheep, and B. for receiving —lb. weight of Mutton, ~~Pas~~ thereof; R. v. Cowell, E. P. C. ch. 16. § 48.

II. And for the Encouragement of such Persons as shall vigorously endeavour to discover, apprehend and prosecute such Offenders as aforesaid; Be it further enacted by the Authority aforesaid, That from and after the first Day of *May* one thousand seven hundred and forty-one, all and every Person and Persons, who shall apprehend and prosecute to Conviction, any Offender or Offenders guilty of any of the Offences herein before mentioned, shall have and receive, as a Reward upon every such Conviction, the Sum of ten Pounds, to be paid within one Month after such respective Conviction, by the Sheriff or Sheriffs of the County where such Offence or Offences shall be committed and done (without any Deduction whatsoever), to the Person or Persons so apprehending and prosecuting such Offender or Offenders, he or they tendering a Certificate to the Sheriff or Sheriff's signed by the Judge or Judges, before whom any such Offender shall be convicted, certifying such Conviction, and where the Offence was committed, and that such Offender or Offenders was or were apprehended and prosecuted by the Person or Persons claiming the said Reward; which Certificate the said Judge or Judges are hereby authorized and required to sign accordingly, before the End of the same Sessions or Assizes, at which such respective Conviction shall happen to be; and in such Certificate shall direct and appoint (in case more than one Person shall claim a Right to the said Reward) what Share and Proportion thereof shall be paid to each Claimant; and if it shall happen that any such Sheriff or Sheriff's shall die or be removed before the Expiration of one Month after such Conviction, and Demand made of the said Reward (the same not being paid as aforesaid), that then the next succeeding Sheriff or Sheriff's shall pay the same within one Month after Demand, and Certificate brought, as aforesaid; and if Default of Payment of Sheriff on Default of Payment, to forfeit any Sheriff or Sheriff's so making Double the Default, shall forfeit to the Person or Persons, to whom such Money is due as aforesaid, double the Sum or Sums of Money he or they ought to have paid, to be recovered by him or them, or his or their Executors or Administrators, in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaintiff, or Information, wherein but one Impariment, and no Essoin, Protection, or Wager of Law, shall be allowed, with Treble Costs of Suit, by him or them expended in the Recovery of the same.

Treble Costs.

III. And be it further enacted by the Authority aforesaid, That all Sheriffs, their Executors and Administrators, upon producing such respective Certificates, and the Receipts for the Monies paid by them in pursuance of this Act, shall be allowed, and are hereby impowered to deduct, upon their Accounts, all Monies, other than double the Sum or Sums of Money, and Treble Costs of Suit, which they shall disburse as aforesaid; and that if upon Account of any Sheriff or Sheriff's there shall not be Money sufficient in the Hands of such She-

No. 29.
14 George II.
c. 6.Reward for
taking and con-
victing Sheep-
stealers.

No. 29. ^{14 George II. c. 6.} riff or Sheriffs, to reimburse him or them such Monies paid by him or them by virtue of this Act, that then the Sheriff or Sheriffs, having so paid the said Monies, shall have the same repaid by the Lord Treasurer or Commissioners of his Majesty's Treasury for the Time being, out of the Revenue of the Crown, upon Certificate from the Clerk of the Pipe to that Effect.

No. 30.

P. 15 George II. c. 13.—An Act for establishing an Agreement with the Governor and Company of the Bank of *England*, for advancing the Sum of one million six hundred thousand Pounds, towards the Supply for the Service of the Year one thousand seven hundred and forty-two.

No. 30. ^{15 George II. c. 13.} XII. AND be it further enacted by the Authority aforesaid, That if any Officer or Servant of the said Company being entrusted with any Note, Bill, (1.) Dividend Warrant, Bond, Deed, or any Security, (2.) Money or other Effects (3.) belonging to the said Company, or having any Bill, Dividend Warrant, Bond, Deed, or any Security or Effects of any other Person or Persons lodged or deposited with the said Company, or with him as an Officer or Servant of the said Company, shall secrete, embezzle, or run away with any such Note, Bill, Dividend Warrant, Bond, Deed, Security, Money, or Effects, or any Part of them; every Officer or Servant so offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy. (4.)

(1.) (2.) (3.) In Aslett's first Case, Leach, (4th. Ed.) Ca. 335, he was indicted for stealing Exchequer Bills; but it appearing that they were not signed by the Auditor of the Exchequer, but by another Person authorized by him, with the approbation of the Lords of the Treasury, but for which Authority there was no Provision in any subsisting Act of Parliament, it was ruled that the Charge could not be sustained; but upon a second Indictment for stealing certain Effects, viz. —1st. A Paper Writing, purporting to be an Exchequer Bill—2d. Certain Papers, upon the Credit whereof the Bank had advanced a large Sum of Money—3d. Certain Papers, purporting to be Bills, commonly call'd Exchequer Bills; and upon other Counts, calling them Securities instead of Effects, the Prisoner was convicted. See the Opinion of the Judges, as delivered by Lord Alvanley, Leach, Ca. 336.

(4.) The same Provisions are repeated *verbatim* in 35 Geo. III. c. 66. § 6; 37 Geo. III. c. 46. § 6. for making certain Annuities created by the Parliament of Ireland transferable; and the Dividends payable at the Bank of England, with respect to Effects deposited in pursuance of those Acts; and there is a similar Provision in 24 Geo. II. c. 11. § 3. with respect to Officers and Servants of the S. S. Company.

No. 31.

15 George II. c. 34.—An Act to explain an Act made in the fourteenth Year of the Reign of his present Majesty, intituled, “ An Act to render the Laws more effectual for preventing the stealing and destroying of Sheep and other Cattle.”

WHEREAS by an Act made in the fourteenth Year of the Reign of his present Majesty, intituled, “ An Act to render the Laws more effectual for preventing the stealing and destroying of Sheep and other Cattle,” it was enacted, That if any Person or Persons should at any Time from and after the first Day of May in the Year of our Lord one thousand seven hundred and forty-one feloniously drive away, or in any other Manner feloniously steal, one or more Sheep or other Cattle of any other Person or Persons whatsoever, or should willfully kill one or more Sheep or other Cattle of any other Person or Persons whatsoever, with a felonious Intent to steal the whole Carcase or Carcasses, or any Part or Parts of the Carcase or Carcasses of any one or more Sheep or other Cattle that should be so killed, or should assist or aid any Person or Persons to commit any such Offence or Offences, that then the Person or Persons guilty of any such Offence, being thereto convicted in due Form of Law, should be adjudged guilty of Felony, and should suffer Death as in Cases of Felony without Benefit of Clergy: And whereas it is doubtful to what Sorts of Cattle besides Sheep the said Act was meant to extend; Be it therefore enacted and declared by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act was meant and intended, and shall be construed, deemed, and taken to extend to any Bull¹, Cow, (1.) Ox, Steer, Bullock, All cattle. Heifer, (2.) Calf, and Lamb, as well as Sheep, and to no tend. other Cattle whatsoever.

(1.) (2.) On an Indictment for stealing a Cow, Proof of stealing a Heifer is not sufficient; R. v. Cook, Leach, Ca. 62. E. P. C. ch. 16. § 13.

No. 32.

P.

18 George II. c. 27. — An Act for the more effectually preventing the stealing of Linen, Fustian, and Cotton Goods and Wares, in Buildings, Fields, Grounds, and other Places used for Printing, Whitening, Bleaching, or Drying the same.*

No. 32.
18 George II.
c. 27.
4 Geo. 2. c. 16.

WHEREAS many Doubts and Difficulties have arisen upon the Construction of an Act passed in the fourth Year of the Reign of his present Majesty, intituled, "An Act to prevent the stealing of Linen, Fustian and Cotton Goods and Wares, from Fields, Grounds and other Places used for whitening, bleaching or drying the same;" in regard the said Act doth not express and mention, with sufficient Certainty, the respective Goods and Wares, the stealing whereof from the respective Places therein mentioned and described, is by the said Act intended to be prevented, whereby the good and wholesome Ends proposed by the said Act have in a great Measure been frustrated, and by Means thereof, many of his Majesty's good Subjects have been greatly injured in their Properties, and put to very great Expences and Charges in watching the same, which nevertheless hath hitherto proved ineffectual! For Remedy whereof and for the more effectual preventing of Thefts, frequently committed in Buildings, Fields, Grounds and other Places used for Printing, Whitening, Bleaching or Drying of Linen, Fustian and Cotton Goods or Wares for the future; may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, who at any Time after the first Day of June one thousand seven hundred and forty-five, shall by Day or Night feloniously steal any Linen, Fustian, Callico, Cotton Cloth, or Cloth worked, woven, or made of any Colton, or Linen Yarn mixed, or any Thread, Linen or Cotton Yarn, Linen or Cotton Tape, Incl, Filleting, Laces or any other Linen, Fustian or Cotton Goods or Wares whatsoever, laid, placed or exposed to be printed, whitened, bowked, bleached or dried in any whitening or bleaching Croft, Lands, Fields or Grounds, Bowking-house, Drying-house, Printing-house, or other Building, Ground or Place made use of by any Callico Printer, Whitster, Croster, Bowker or Bleacher, for Printing, Whitening, Bowking, Bleaching or Drying of the same, to the Value of ten Shillings, or who shall aid or assist, or shall wilfully or maliciously hire or procure any other Person or Persons to commit any such Offence, or who shall buy or receive any such Goods or Wares so stolen, knowing the same to be stolen as aforesaid, being

Whoever shall
steal Linen, &c.
laid to print-
ed, bleached,
&c.

or shall aid or
hire another to
commit such
Offence, shall
be guilty of Fe-
lony, and suffer
Death.

* Repealed 51 Geo. III. c. 41.

lawfully convicted thereof, shall be, and is and are hereby declared to be guilty of Felony, and every such Offender shall suffer Death, as in Cases of Feiny, without Benefit of Clergy; any Law or Usage to the contrary notwithstanding.

No. 32.
18 George II.
c. 27.

No. 33.

24 George II. c. 45.—An Act for the more effectual preventing of Robberies and Thefts upon any navigable Rivers, Ports of Entry or Discharge, Wharfs, and Keys adjacent.

WHEREAS divers wicked and ill-disposed Persons are encouraged to commit Robberies and Thefts upon navigable Rivers, Ports of Entry and Discharge, Wharfs and Keys adjacent, by the Privilege, as the Law now is, of being admitted to the Benefit of their Clergy: Therefore, for the more effectual preventing such Felonies for the future, Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons that shall at any Time from and after the twenty-fourth Day of June, one thousand seven hundred and fifty-one, feloniously steal any Goods, Wares or Merchandise, (1.) of the Value of forty Shillings, in any Ship, Barge, Lighter, Boat, or other Vessel, or Craft, upon any navigable River, (2.) or in any Port of Entry or Discharge, or in any Creek belonging to any navigable River, Port of Entry or Discharge, within the Kingdom of Great Britain; or shall feloniously steal any Goods, Wares, or Merchandise, of the Value of forty Shillings, upon any Wharf or Key adjacent to any navigable River, Port of Entry or Discharge, or shall be present, aiding and assisting in the committing any of the Offences aforesaid, being thereof convicted or attainted, or being indicted thereof shall of Malice stand mute, or will not directly answer to the Indictment; or shall peremptorily challenge above the Number of twenty Persons returned to be of the Jury, shall be excluded from the Benefit of Clergy.

No. 33.
24 George II.
c. 45.

(1.) Ruled only to relate to such Goods and Merchandise as are usually lodged in Ships; not to Portugal Money usually current, although not made current by Proclamation; *R. v. Grimes*, E. P. C. ch. 16. § 85; *Leigh's Case*, *ibid.* and *Leach*, Ch. 28.

(2.) Stealing from a Vessel upon the Banks of one of the Creeks of the Thames, held not a Stealing on the navigable River Thames. It should have been stated, a Stealing in a Creek belonging to the River; *Pike's Case*, *Leach*, Ch. 153; E. P. C. ch. 16. § 85.

No. 34.

25 George II. c. 10.—An Act for the more effectual securing Mines of Black Lead from Theft and Robbery.

No. 34.
25 George II.
c. 10.

WHÈREAS by Experience it hath been found, that Wad or Black Cawke, commonly called *Black Lead*, is and hath been necessary for divers useful Purposes, and more particularly in the casting Bomb Shells, Round Shot, and Cannon Balls; and that such Wad, Black Cawke, or *Black Lead*, hath hitherto been discovered in one Mountain, or Ridge of Hills, only in this Realm; and that great Waste and Destruction therein, hath of late Years been made by wicked and evil-disposed Persons, who, by reason of the Situation of the Mine or Mines, Wad-hole or Wad-holes of the said Wad, Black Cawke or *Black Lead*, and of the great Difficulty to secure and preserve the same from being unlawfully broke, or by Force entered into; and also by reason of the small Punishment by the Laws now in Being, annexed to Offences of the like Kind, have been encouraged unlawfully to enter, and by Force to keep Possession of the same, and from thence unlawfully to take and carry away great Quantities of the said Wad, Black Cawke or *Black Lead*; for the more effectual Security of all and every Mine or Mines, Wad-hole or Wadholes of Wad or Black Cawke, commonly called *Black Lead*; and for preventing the unlawful breaking and entering into the same; or the unlawful taking and carrying away from such Mine or Mines, Wad-hole, or Wadholes, any Wad, Black Cawke or *Black Lead*; and for punishing such Offenders in a more exemplary Manner, than by the Laws in Being can now be done; May it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons that shall, from and after the twenty-fourth day of June, which shall be in the Year of our Lord one thousand seven hundred and fifty-two, unlawfully break, or by Force enter into any Mine or Mines, Wad-hole or Wad-holes of Wad or Black Cawke, commonly called *Black Lead*; or into any Pit, Shaft, Adit, or Vein of Wad, Black Cawke or *Black Lead*, with an Intent to take and carry away from thence any Wad, Black Cawke or *Black Lead*; or shall unlawfully from thence take and carry away any Wad, Black Cawke or *Black Lead*, although such Mine or Mines, Wad-hole or Wadholes, Pit, Shaft, Adit, or Vein, be not actually broke, or by Force entered into by such Offender or Offenders; or shall aid, abet, assist, hire, or command any Person or Persons to commit such Offence or Offences as aforesaid; that then, and in every such Case, all and every such Person or Persons shall be deemed and construed to be guilty of Felony;

The entering
any Mines of
Black Lead,
with Intent to
steal,

or the assisting
or hiring Per-
sons to do so,
Felony;

and it shall and may be lawful for the Court, or Judge, before whom any such Person or Persons so offending as aforesaid, shall be lawfully convicted, to order such Offender or Offenders to be committed to the Prison or Gaol of the said County, appointed for Criminals, or to some House of Correction within the same County, for a Time not exceeding one Year, there to be kept to hard Labour during all the said Time, and to be publicly whipt by the common Hangman, or by the Master of such House of Correction, at such Times and at such Places, and in such Manner, as such Court or Judge shall think proper; or it shall and may be lawful to and for such Court or Judge, or for any other subsequent Court held at the same Place, with the like Authority as the former, to order such Offender or Offenders to be transported to some of his Majesty's Plantations beyond the Seas, for a Term not exceeding seven Years, as such Court or Judge shall think most proper; and thereupon Judgment shall be given, that the Person or Persons so convicted shall be committed and whipt, or transported accordingly; and if Transportation shall be directed, the same shall be executed in such Manner, as is or shall be provided by Law for the Transportation of Felons; and if any such Person or Persons so committed or transported shall voluntarily escape or break Prison, or return from Transportation before the Expiration of the Time for which he, she, or they shall be ordered to be transported as aforesaid, such Person or Persons being thereof lawfully convicted, shall suffer Death as a Felon, without Benefit of Clergy, and shall be tried for such Felony in the County where he, she, or they so escaped, or where he, she, or they shall be apprehended.

II. And be it further enacted by the Authority aforesaid, and a Certificate of the former Conviction, That if any Person shall be convicted or attainted of any of the Offences aforesaid, and shall voluntarily escape, break Prison, or return from Transportation as aforesaid, and shall be apprehended in any other County or City different from that wherein the said Offence was committed, the Clerk of the Assize, or Clerk of the Peace for the County or City where such Conviction or Attainder for the said Offence or Offences was had, shall, at the Request of the Prosecutor, or of any other on his Majesty's Behalf, certify the same by a Transcript in few Words, containing the Effect and Tenor of such Conviction or Attainder; for which Certificate two Shillings and six Pence, and no more shall be paid; and such Certificate being produced in Court shall be sufficient Proof of such former Conviction or Attainder.

III. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall, from and after the said twenty-fourth Day of June one thousand seven hundred and fifty-two, buy or receive any Wad or Black Cawke, commonly called Black Lead, knowing the same to be so unlawfully taken and carried away as aforesaid, shall be deemed and construed to be guilty of Felony, and being convicted Receivers of Lead, knowing such to be stolen, guilty of Felony.

No. 34. thereof shall be subject and liable to all the Pains and Penalties, which any Person or Persons can or may by the Laws and Statutes of this Realm be subject and liable to, for buying or receiving any Goods or Chattels that have been feloniously taken or stolen, knowing the same to have been stolen.
 25 George II. c. 10.

No. 35.

26 George II. c. 19.—An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods; and for the Relief of Persons suffering Losses thereby.

[Inserted Pt. III. Cl. II. No. 16.]

No. 36.

29 George II. c. 30.—An Act for more effectually discouraging and preventing the stealing, and the buying and receiving of stolen Lead, Iron, Copper, Brass, Bell-metal and Soldier, and for more effectually bringing the Offenders to Justice.

[Inserted in the next Class.]

No. 37.

p. 4 George III. c. 37.—An Act for the better establishing a Manufactory of Cambricks and Lawns, or Goods of the Kind usually known under those Denominations, now carrying on at *Winchelsea*, in the County of *Sussex*; and for improving, regulating and extending the Manufacture of Cambricks and Lawns, or Goods of the Kind usually known under those Denominations, in that Part of *Great Britain* called *England*.

No. 37. XVI. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall by Day or Night break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building, with Intent to steal, or destroy, &c. cut or destroy any Linen Yarn, or any Linen Cloth, or any Materials or Implements, declared to be Felony. *A*ND be it further enacted by the Authority aforesaid, That if any Person or Persons shall by Day or Night break into any House, Shop, Cellar, Vault, or other Place or Building, or by Force enter into any House, Shop, Cellar, Vault, or other Place or Building, with Intent to steal, or destroy, &c. cut or destroy any Linen Yarn, or any Linen Cloth, or any Materials or Implements, the Manufacture of Linen Yarn belonging to any Manufactory, or the Looms, Tools or Implements used therein; or shall wilfully or maliciously cut in Pieces or destroy any such Goods, either when exposed to bleach or dry; every such Offender, being thereof lawfully convicted, shall be judged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy.

No. 38.

6 George III. c. 48.—An Act for the better Preservation of Timber Trees, and of Woods and Underwoods; and for the further Preservation of Roots, Shrubs, and Plants.

[Inserted Pt. VI. Cl. XL. No. 11.]

No. 39.

7 George III. c. 50.—An Act for amending certain Laws relating to the Revenue of the Post Office; and for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and the Isle of Man, and within that Island.

p.

II. AND be it further enacted by the Authority aforesaid, No. 39.
 that from and after the said first Day of November, 7 George III. one thousand seven hundred and sixty-seven, if any Person or Persons whatsoever shall rob any Mail or Mails, in which Letters are sent or conveyed by the Post, of any Letter or Letters, Packet or Packets, Bag or Mail of Letters; or shall steal and take from or out of any such Mail or Mails, or from or out of any Bag or Bags of Letters, sent or conveyed by the Post, or from or out of any Post Office, or House or Place for the Receipt or Delivery of Letters or Packets, sent or to be sent by the Post, any Letter or Letters, Packet or Packets; although such Robbery, Stealing, or taking, shall not appear, or be proved, to be a Taking from the Person, or upon the King's Highway, or to be a Robbery committed in any Dwelling-house, or any Coach-house, Stable, Barn, or any Out-house belonging to a Dwelling-house; and although it should not appear that any Person or Persons were put in Fear by such Robbery, Stealing, or Taking; yet such Offender or Offenders, being thereof convicted as aforesaid, shall nevertheless respectively be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

being convicted,
ed, shall suffer
Death, without
Benefit of
Clergy.

(1.) For Embezzlements by Clerks, &c. in the Post Office, see Stat. 52 Geo. III. c. 143. post, Class XIV.

No. 40.

13 George III. c. 31.—An Act for the more effectual Execution of the Criminal Laws in the two Parts of the United Kingdom.

p.

IV. AND whereas it frequently happens in both Parts of the United Kingdom, that Persons having stolen 13 George III. c. 33. or otherwise feloniously taken away Money, Cattle, Goods,

No. 40.

No. 40. 23 George III. c. 31. or other Effects, carry the same into the other Part of the United Kingdom, and there have the said Money, Cattle, Goods, or other Effects, in their Possession or Custody; and Doubts have been entertained, whether they could be indicted and tried in that Part of the United Kingdom, as the original Offence was not there committed; be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, if any Person or Persons having stolen, or otherwise feloniously taken Money, Cattle, Goods, or other Effects, in either Part of the United Kingdom, shall afterwards have the same Money, Cattle, Goods, or other Effects, or any Part thereof, in his, her, or their Possession or Custody, in the other Part of the United Kingdom, it shall and may be lawful to indict, try, and punish such Person or Persons for Theft or Larceny in that Part of the United Kingdom where he, she, or they shall so have such Money, Cattle, Goods, or other Effects, in his, her, or their Possession or Custody, as if the said Money, Cattle, Goods, or other Effects, had been stolen in that Part of the United Kingdom.

Receivers of Money, &c. in either Part of the Kingdom, knowing the same to be stolen, also liable to be punished.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons, in either Part of the United Kingdom, shall hereafter receive or have any Money, Cattle, Goods, or other Effects, stolen, or otherwise feloniously taken, in the other Part of the United Kingdom, knowing the same to be stolen, or otherwise feloniously taken, every such Person or Persons shall be liable to be indicted, tried, and punished for such Offence in that Part of the United Kingdom where he, she, or they shall so receive or have the said Money, Cattle, Goods, or other Effects, in the same Manner, to all Intents and Purposes, as if the said Money, Cattle, Goods, or other Effects, had been originally stolen, or otherwise feloniously taken, in that Part of the United Kingdom. (1.).

No. 41.

14 George III. c. 46. — An Act to enable the Commissioners for executing the Office of Treasurer of his Majesty's Exchequer, or the Lord High Treasurer for the Time being, to pay, out of the Revenue of the Crown, certain Rewards for apprehending Highwaymen, and other Offenders in the County Palatine of Durham.

(1) The same Provisions are made with respect to Great Britain and Ireland, by Stat. 24 George III. c. 92. § 5, 6. See the Act in the last Class, infra.

No. 42.

21 George III. c. 68.—An Act to explain and amend an Act, made in the fourth Year of the Reign of his late Majesty King *George* the Second, intituled, “ An Act for the more effectual punishing Stealers of Lead or Iron Bars, fixed to Houses, or any Fences belonging therunto.”

WHEREAS by an Act, passed in the fourth Year of the Reign of his late Majesty King *George* the Second, (intituled, “ An Act for the more effectual punishing Stealers of Lead or Iron Bars, fixed to Houses, or any Fences belonging therunto”); it is enacted, That all and every Person and Persons, who shall steal, rip, cut or break, with Intent to steal, any Lead, Iron Bar, Iron Gate, Palisadoe, or Iron Rail whatsoever, being fixed to any Dwelling-house, Out-house, Coach-house, Stable, or other Building, used or occupied with such Dwelling-house, or thereunto belonging, or to any other Building whatsoever, or fixed in any Garden, Orchard, Court-yard, Fence, or Outlet belonging to any Dwelling-house, or other Building, shall be deemed and construed to be guilty of Felony, and shall suffer the Pains and Penalties therein mentioned; and all and every Person and Persons who shall be aiding, abetting, or assisting, in stealing, or in such ripping, cutting, or breaking, any Lead, Iron Bar, Iron Gate, Iron Pallisadoe, or Iron Rail, fixed to any Dwelling-house, Out-house, Coach-house, Stable, or other Building, or fixed in any Garden, Orchard, Court-yard, Fence, or Outlet, belonging to any Dwelling-house or other Building; or who shall buy or receive any such Lead, Iron Bar, Iron Gate, Iron Pallisadoe, or Iron Rail, knowing the same to be stolen, shall be subject and liable to the same Punishments as if he, she, or they, had stolen the same: And whereas the stealing of Copper, Brass, and Bell-metal affixed to Dwelling-houses and the Appurtenances thereto, is not expressly prohibited and made punishable by the said recited Act of Parliament, whereby wicked and evil-disposed Persons have been encouraged to steal the same, and others to buy and receive the same knowing the same to be stolen: For preventing of which, be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *August* one thousand seven hundred and eighty-one, all and every Person and Persons who shall steal, rip, cut, break, or remove, with Intent to steal, any Copper, Brass, Bell-metal, Utensil, or Fixture, being fixed to any Dwelling-house, Out-house, Coach-house, Stable, or other Building, used or occupied with such Dwelling-house, or thereunto belonging, or to any other Building whatsoever, or fixed in any Garden, Orchard, Court-

No. 42.
George III.
c. 68.

Preamble.
Recital of
4 Geo. 2, c. 32.

From Aug. 1;
1781, all Per-
sons who shall
steal, or remove
with Intent to
steal, any Cop-
per, Brass, &c.
fixed to any
Dwelling-
house, &c. shall
be deemed

No. 42. yard, Fence, or Outlet, belonging to any Dwelling-house, or
 21 George III. other Building, or any Iron Rails or Fencing set up or fixed
 c. 68.

in any Square, Court, or other Place (such Person having no
 Title, or Claim of Title thereto), shall be deemed and con-
 strued to be guilty of Felony; and the Court by and before
 whom such Person or Persons shall be tried and convicted,
 shall, and hereby have Power and Authority to transport such

Felons for the Term of seven Years, in like Manner as other
 Felons are directed to be transported by the Laws and Statutes
 of this Realm; or to order and direct that such Offender be
 kept and detained in Prison, and therein kept to hard La-
 bour for any Time not exceeding three Years, nor less than
 one Year; and within that Time, if such Court shall think fit,

such Offender shall be once, or oftener, but not more than
 three Times, publicly whipped: And all and every Person and
 Persons who shall be aiding, abetting, or assisting, in stealing,
 or in such ripping, cutting, breaking, or removing, any Cop-
 per, Brass, Bell-metal, Utensil, or Fixture, fixed to any Dwel-
 ling-house, Outhouse, Coach-house, Stable, or other Building,
 or fixed in any Garden, Orchard, Court-yard, Fence, or Out-
 let, belonging to any Dwelling-house, or other Building, or
 any Iron Rails, or Fencing, set up or fixed in any Square,

Court, or other Place; or who shall buy or receive any such
 Copper, Brass, Bell-metal, Utensil, or Fixture, Iron Rails, or
 Fencing, knowing the same to be stolen, shall be subject and
 liable to all and every the same Punishments, Pains, and Penali-
 ties, as if he, she, or they, had stolen the same, although the
 principal Felon or Felons has not or have not been convicted
 of stealing the same; any Law to the contrary in any wise
 notwithstanding.

**And all Persons
 assisting in such
 stealing, &c. or
 who shall buy
 such Goods
 knowing them
 to be stolen,
 shall be liable to
 the same
 Punishments.**

No. 43.

21 George III. c. 69.—An Act to explain and amend an
 Act made in the twenty-ninth Year of the Reign of
 his late Majesty King *George* the Second, intituled,
 “ An Act for more effectually discouraging and pre-
 venting the stealing, and the buying and receiving
 of stolen Lead, Iron, Copper, Brass, Bell-metal,
 and Solder; and for more effectually bringing the
 Offenders to Justice.”

[Inserted in the next Class.]

No. 44.

39 George III. c. 85.—An Act to protect Masters against Embezzlements by their Clerks or Servants.—[12th. July 1799.]

HEREAS Bankers, Merchants, and others, are, in the Course of their Dealings and Transactions, frequently obliged to entrust their Servants, Clerks, and Persons employed by them in the like Capacity, with receiving, paying, negotiating, exchanging, or transferring, Money, Goods, Bonds, Bills, Notes, Bankers' Drafts, and other valuable Effects and Securities: And whereas Doubts have been entertained whether the embezzling of the same by such Servants, Clerks, and others, so employed by their Masters, amounts to Felony by the Law of England, and it is expedient that such Offences should be punished in the same Manner in both Parts of the United Kingdom; be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Servant or Clerk, or any Person employed for the Purpose in the Capacity of a Servant or Clerk, to any Person or Persons whomsoever, or to any Body Corporate or Politick, shall, by virtue of such and fraudulently Employment, receive or take into his Possession any Money, Goods, Bond, Bill, Note, Banker's Draft, or other valuable Security, or Effects, for or in the Name or on the Account of his Master or Masters, or Employer or Employers, and shall have feloniously embezzled, secrete, or make away with the same, or any Part thereof, every such Offender shall be deemed to have feloniously stolen the same from his Master or Masters, Employer or Employers, for whose Use, or in whose Name or Names, or on whose Account the same was or were delivered to, or taken into the Possession (1.) of such Servant, Clerk, or other Person so employed, although such Money, Goods, Bond, Bill, Note, Banker's Draft, or other valuable Security, was or were no otherwise received into the Possession of his or their Servant, Clerk, or other Person so employed; and every such Offender, his Adviser, Procurer, Aider or Abettor, being thereof lawfully convicted or attainted, shall be liable to be transported to such Parts beyond the Seas as his Majesty, by and with the Advice of his Privy Council, shall appoint, for any Term not exceeding fourteen Years.

(1.) It appears by Note E. P. C. ch. 16. § 18. that in the fair Copy of this Bill, the following Words in the Draft, which was drawn by the learned Writer himself, have been accidentally omitted at this Place, viz.:—“of such Master or Masters, Employer or Employers, then by the actual Possession.”

No. 44. Years, in the Discretion of the Court before whom such Offender shall be convicted or adjudged. (2.)
c. 85.

(2.) An Indictment, to warrant a Judgment upon this Statute, must be specially drawn following the Words of the Act; Jones's Case, E. P. C. c. 18. It must have the Requisites of an Indictment for Larceny at Common Law, and state the Articles taken to be the property of some Person; McGregor's Case, East, *ibid.*; 3 B. and P. 106. Where the Prisoner received Money in the County of Salop, and denied such Receipt in the County of Stafford, it was held by the Judges to evidence, that the original Taking was with Intent to embezzle, and that he was properly tried at Salop; Hobson's Case, 1 E. P. C. Add. xxiv. Most of the Judges were of Opinion, that he might be tried in either County. Where the Prisoner received the Money in Surrey, and the same Day denied the Receipt in Middlesex, there being no Proof that he had paid or spent it in Surrey, it was ruled good Evidence of an Embezlement in Middlesex; Palmer's Case, Leach, (4th. Ed.) 338. A Count on this Act may be joined with a Count for Larceny at Common Law; Johnson's Case, Leach, Ca. 356.

No. 45.

39 and 40 George III. c. 77.—An Act for the Security of Collieries and Mines, and for the better Regulation of Colliers and Miners.—[9th. July 1800.]*

* The Act contains a summary Provision with respect to stealing Coals, Tools, &c. See § 5.

No. 46.

P. 42 George III. c. 81.—An Act for amending so much of an Act, passed in the seventh Year of the Reign of his present Majesty, as relates to the secreting, embezzling, or destroying any Letter or Packet sent by the Post; and for the better Protection of such Letters and Packets; and for more effectually preventing Letters and Packets being sent otherwise than by the Post.—[22d. June 1802.]

No. 46.
42 George III. II. AND be it further enacted, That, from and after the passing of this Act, if any Person whatsoever, whether employed in any Business relating to the Post Office or not, shall counsel, command, hire, persuade, procure, aid, or abet, any such Deputy, Clerk, Agent, Letter Carrier, Post-boy or Rider, or any other Officer or Person whatsoever, employed, or to be hereafter employed, in receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the Post Office, to commit any Felony or Offence in the said in Part recited Act, or in this Act before mentioned, or shall with a fraudulent Intention buy or receive the Whole or any Part; or fraudu- Part or Parts of any such Security or Instrument as afore-

Penalty of Fe-
lony without
Clergy on Per-
sons procuring,
&c. Officers of
the Post Office
to secrete Let-
ters, &c. con-
taining any
Parts of any
Security or In-
strument men-
tioned in recited
Act; or fraudu-

said, which at the Time of buying or receiving thereof he No. 46.
 shall know to have been contained in any such Letter or ^{42 George III.}
 Letters, Packet or Packets, so by any Deputy, Clerk, Agent,
 Letter Carrier, Post-boy or Rider, or any other Officer or ^{c. 81.}
 Person whatsoever, employed, or to be hereafter employed ^{lently receiving}
 in receiving, stamping, sorting, charging, carrying, con-
 veying, or delivering Letters or Packets, or in any other ^{such Secu-}
 Business relating to the Post Office, secreted or embezzled, ^{rities or Instru-}
 or stolen or taken out of any Letter or Letters, Packet or ^{ments, or any}
 Packets, that shall come to his, her, or their Hands or Pos-
 session, or which he, she, or they, at the Time of buying or
 receiving thereof, shall know to have been contained in, and ^{Parts of them}
 stolen or unlawfully taken out of any Letter or Letters, Packet
 or Packets, stolen and taken by any Person or Persons what-
 soever from or out of any Mail or Mails, Bag or Bags of Let-
 ters, sent and conveyed by the Post, or from or out of any
 Post Office, or House or Place for the Receipt or Delivery of
 Letters or Packets sent or to be sent by the Post, each and
 every Person so offending in any of the Ways last before men-
 tioned, being thereof convicted, shall be deemed guilty of
 Felony, and shall suffer Death as a Felon without Benefit of
 Clergy, and shall and may be tried, convicted, and attainted ^{Offenders may}
 of such Felony, as well before as after the Trial or Conviction ^{be tried before}
 of the principal Felon, and whether the said principal Felon ^{or alter princip-}
 shall have been apprehended, or shall be amenable to Justice ^{pal Felon.}
 or not.

III. And whereas by the said in Part recited Act, made The Offence of
 in the seventh Year of the Reign of his present Majesty, it robbing the ^{Mail may be}
 was, among other Things, enacted, that, from and after the laid and prose-
 said first Day of November one thousand seven hundred and cuted, if com-
 sixty-seven, if any Person or Persons whatsoever should rob mitted in Eng-
 any Mail or Mails in which Letters are sent or conveyed by the County
 the Post, of any Letter or Letters, Packet or Packets, Bag where commit-
 or Mail of Letters, or should steal and take from or out of the Offender is
 any such Mail or Mails, or from or out of any Bag or Bags of apprehended,
 Letters sent or conveyed by the Post, any Letter or Letters, and if commit-
 Packet or Packets, although such Robbery, stealing, or tak- either in the
 ing should not appear or be proved to be a taking from the Justiciary Court
 Person, or upon the King's Highway, or to be a Robbery or in the Cir-
 committed in any Dwelling House, or any Coach House, cuit Court, &c.
 Stable, Barn, or any Out-House belonging to a Dwelling
 House, and although it should not appear that any Person or
 Persons were put in Fear by such Robbery, stealing, or tak-
 ing, yet such Offender or Offenders, being thereof convicted
 as aforesaid, should nevertheless respectively be deemed
 guilty of Felony, and should suffer Death as a Felon without
 Benefit of Clergy: And whereas, by reason of the Diffi-
 culty and frequent Impossibility of discovering and proving
 the particular County, Stewartry, or Place within which
 the said last-mentioned Offences have been committed,
 divers Persons have escaped the Pains and Punishments by
 the said in Part recited Act intended to be inflicted on such

No. 46. 'Offenders, and it is reasonable to make further Provisions for the Trial and due Punishment of such Offenders ;' be it therefore further enacted, That all and every the said last-mentioned Felonies and Offences, which shall be committed from and after the passing of this Act, shall and may be alledged and laid, prosecuted, inquired of, tried, and determined, if committed in that Part of *Great Britain* called *England*, either in the County wherein such Felony or Offence shall be committed, or wherein such Offender or Offenders shall be apprehended ; and if committed in that Part of *Great Britain* called *Scotland*, either in the Justiciary Court of *Edinburgh*, or in the Court of the Circuit of that Part of the United Kingdom within which Circuit such Felony or Offence shall be committed, or such Offender or Offenders shall be apprehended.

No. 47.

48 George III. c. 129. — An Act to repeal so much of an Act passed in the eighth Year of the Reign of Queen *Elizabeth*, intituled, "An Act to take away the Benefit of Clergy from certain Offenders for Felony," as takes away the Benefit of Clergy from Persons stealing privily from the Person of another; and for more effectually preventing the Crime of Larceny from the Person.—[30th. June 1808.]

No. 47.
48 George III. c. 129.

8 Eliz. c. 4.
§ 1, 2, taking away Benefit of Clergy in Cases of Theft privily from the Person, repealed.

WHAREAS by an Act passed in the eighth Year of the Reign of Queen *Elizabeth*, intituled, "An Act to take away the Benefit of Clergy from certain Offenders for Felony," it is amongst other Things enacted, That no Person or Persons who should after the passing of that Act happen to be indicted or appealed for felonious taking of any Money, Goods, or Chattels from the Person of any other, privily without his Knowledge in any Place whatsoever, and thereupon found guilty by Verdict of twelve Men, or shall confess the same upon his or their Arraignment, or will not answer directly to the same according to the Laws of this Realm, or shall stand wilfully or of Malice or obstinately mute, or challenge peremptorily above the Number of twenty, or shall be upon such Indictment or Appeal outlawed, shall from henceforth be admitted to have the Benefit of his or their Clergy, but utterly be excluded thereof, and shall suffer Death in such Manner and Form as they should if they were no Clerks : And whereas the said Act has not been found effectual for the Prevention of the Crimes therein mentioned, and it is therefore expedient that so much of the said Act as is herein-before recited should be repealed : And whereas it might tend more effectually to prevent the Crime of Larceny from the Person, if every such Offence, not being Robbery, was rendered punishable more severely than simple Lar-

'ceny ;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords 48 George III, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as is herein-before recited shall, from and after the passing of this Act, be, and the same is hereby repealed.

II. And be it further enacted, That from and after the passing of this Act, every Person who shall at any Time or in any Place whatever, feloniously steal, take, and carry away any Money, Goods, or Chattels from the Person of any other, whether privily without his Knowledge or not, but without such Force or putting in Fear as is sufficient to constitute the Crime of Robbery, or who shall be present, aiding, and abetting therein, shall be liable to be transported beyond the Seas for Life, or for such Term not less than seven Years as the Judge or Court before whom any such Person shall be convicted, shall adjudge, or shall be liable in case the said Judge or Court shall think fit, to be imprisoned only, or to be imprisoned and kept to hard Labour in the Common Gaol, House of Correction, or Penitentiary House, for any Term not exceeding three Years.

Penalty on
felonious Theft
from the Per-
son, not being
Robbery,
Transportation,
&c.

No. 48.

51 George III. c. 41.—An Act to repeal so much of an Act, passed in the eighteenth Year of the Reign of King *George* the Second, intituled, “An Act for the more effectually preventing the stealing of Linen, Fustian and Cotton Goods and Wares, in Buildings, Fields, Grounds and other Places used for printing, whitening, bleaching or drying the same,” as takes away the Benefit of Clergy from Persons stealing Cloth in Places therein mentioned; and for more effectually preventing such Felonies.—[31st. May 1811.]

WHÈREAS by an Act, passed in the eighteenth Year of the Reign of his Majesty King *George* the Second, intituled, “An Act for the more effectually preventing the stealing of Linen, Fustian and Cotton Goods and Wares, in Buildings, Fields, Grounds and other Places used for printing, whitening, bleaching or drying the same,” it is, amongst other Things, enacted, That every Person who at any Time after the first Day of June one thousand seven hundred and forty-five shall, by Day or Night, feloniously steal any Linen, Fustian, Calico, Cotton Cloth; or Cloth worked, woven, or made of any Cotton or Linen Yarn mixed, or any Thread, Linen or Cotton Yarn, Linen or Cotton Tape, Inkle, Filleting, Laces, or any other Linen, Fustian or Cotton Goods or Wares

No. 48.
51 George III.
c. 41.
18 G. 2. c. 27
§ 1.

No. 48. 51 George III. c. 41. whatsoever, laid, placed, or exposed to be printed, whitened, bowked, bleached or dried, in any whitening or bleaching Croft, Lands, Fields or Grounds, Bowking House, Drying House, Printing House, or other Building, Ground or Place made use of by any Calico Printer, Whitster, Crofter, Bowker or Bleacher, for printing, whitening, bowking, bleaching or drying of the same, to the Value of ten Shillings, or who shall aid or assist, or shall wilfully or maliciously hire or procure any Person or Persons to commit any such Offence, or who shall buy or receive any such Goods or Wares so stolen, knowing the same to be stolen as aforesaid, being lawfully convicted thereof, shall be guilty of Felony; and that every such Offender shall suffer Death as in Cases of Felony, without Benefit of Clergy: And whereas the said Act has not been found effectual for the Prevention of the Crimes therein mentioned, and it is therefore expedient that so much of the said Act as is herein-before recited should be repealed: And whereas it might tend more effectually to prevent the aforesaid Crimes if the same were punishable more severely than simple Larceny: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as is herein-before recited shall, from and after the passing of this Act, be and the same is hereby repealed.

Stealing Linen,
&c. from
Bleaching Pla-
ces, &c.

Punishment.

11. And be it further enacted, That, from and after the passing of this Act, every Person who shall feloniously steal any Linen, Fustian, Calico, Cotton Cloth, or Cloth worked, woven or made of any Cotton or Linen Yarn mixed, or any Thread, Linen or Cotton Yarn, Linen or Cotton Tape, Inkle, Filletting, Laces or any other Linen, Fustian, or Cotton Goods or Wares whatsoever, laid, placed or exposed to be printed, whitened, bowked, bleached or dried in any whitening or bleaching Croft, Lands, Fields or Grounds, Bowking House, Drying House, Printing House or other Building, Ground or Place made use of by any Calico Printer, Whitster, Crofter, Bowker or Bleacher, for printing, whitening, bowking, bleaching or drying of the same, to the Value of ten Shillings, or who shall aid or assist, or wilfully or maliciously hire or procure any other Person or Persons to commit any such Offence, or who shall buy or receive any such Goods or Wares so stolen, knowing the same to be stolen as aforesaid, being lawfully convicted thereof, shall be liable to be transported beyond the Seas for Life, or for such Term not less than seven Years, as the Judge before whom any such Person shall be convicted shall adjudge; or shall be liable, in case the said Judge shall think fit, to be imprisoned and kept to hard Labour in the Common Gaol, House of Correction or Penitentiary House, for any Term not exceeding seven Years.

No. 49.

52 George III. c. 143.—An Act for amending and reducing into one Act, the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting his Majesty's Revenue in Great Britain.—[23d. July 1812.]

[See post, Cl. XIV.]

No. 50.

54 George III. c. 101.—An Act for the more effectual Prevention of Child stealing.—[18th. July 1814.]

WHEREAS the Practice of carrying away young Children, by forcible or fraudulent means, from their Parents, or other Persons having the Care and Charge or Custody of them, commonly called Child Stealing, has of late much prevailed and increased: And whereas no adequate Punishment is as yet provided by Law in England or Ireland for so heinous an Offence; Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, from and after the passing of this Act, shall maliciously, either by Force or Fraud, lead, take, or carry away, or decoy, or entice away any Child, under the Age of Ten Years, with Intent to deprive its Parent or Parents, or any other Person having the lawful Care or Charge of such Child of the Possession of such Child, by concealing and detaining such Child from such Parent or Parents, or other Person or Persons having the lawful Care or Charge of it; or with Intent to steal any Article of Apparel or Ornament, or other Thing of Value or Use, upon or about the Person of such Child, to whomsoever such Article may belong; or shall receive and harbour with any such Intent as aforesaid, any such Child, knowing the same to have been so by Force or Fraud led, taken or carried, or decoyed or enticed away as aforesaid; every such Person or Persons, and his, her, and their Counsellors, Procurers, Aiders and Abettors, shall be deemed guilty of Felony, and shall be subject and liable to all such Pains, Penalties, Punishments and Forfeitures, as by the Laws now in Force may be inflicted upon, or are incurred by Persons convicted of Grand Larceny.

II. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to any Person who shall have claimed to be the Father of an illegitimate Child, or to have any Right or Title in Law to the Possession of such Child, on account of his getting Possession

No. 50.
54 George III.
c. 101.

Persons offend-
ing against Act,
subject to Pe-
nalties usually
inflicted on
Persons guilty
of Grand
Larceny.

Not to affect
Fathers of ille-
gitimate Chil-
dren.

No. 50. of such Child, or taking such Child out of the Possession of
 54 George III. the Mother thereof, or other Person or Persons having the
 c. 1st. lawful Charge thereof.

Not to extend to Scotland. III. Provided also, and be it further enacted, That this Act shall not extend, or be construed to extend, to that Part of Great Britain called Scotland.

No. 51.

56 George III. c. 73.—An Act for removing Difficulties in the Conviction of Offenders stealing Property from Mines.—[22d. June 1816.]

No. 51. WHEREAS the Minerals, and the Timber, Iron and
 56 George III. c. 73. other Materials, used in or for the working of Mines are much exposed to Depredation: And whereas great Difficulties have been experienced in prosecuting to Conviction and bringing to Justice Persons who have stolen such Property, by reason of the Rule of Law which at present prevails throughout that Part of Great Britain called England, for setting forth in Indictments for Larceny the Names of all the Persons who may be the Owners of or are interested in the Property stolen: And whereas the Identity of such Property may be ascertained and described as effectually by averring the same in such Indictment to be the Property of some one or more of the Partners in such mining Concerns, and others, his or their Partners or Co Adventurers, without naming such Partners or Co Adventurers; Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful, and shall be deemed sufficient, to all Intents and Purposes whatsoever, for the Conviction of any Offender or Offenders charged in any Indictment with Grand or Petty Larceny for or on Account of stealing any Minerals, or any Timber, Iron or other Materials used in or for the working of Mines, being the Personal Property of any Company or Adventurers carrying on the same, to alledge and aver that the Minerals, Timber, Iron, or other Materials so stolen are the Property of some one or more of the Partners or Adventurers in such Mining Concern, and others his or their Partners or Co Adventurers, without naming such other Partners or Co Adventurers; and that such Form of describing the Property stolen from such Company or Adventurers shall be, to all Intents and Purposes whatsoever, as valid and effectual in Law, as if the same were averred to be the Property of all the Owners thereof, and as if the Names of all such Owners were particularly and distinctly set forth in such Indictment; any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

What shall be deemed sufficient Evidence for Conviction.

PART V. CLASS VIII.

OFFENCES RELATING TO STOLEN GOODS.*

The Statutes relating particularly to the receiving public Stores are contained in Class X. infra.

No. 1.

3 William and Mary, c. 9.—An Act to take away Clergy from some Offenders, and to bring others to Punishment.

P.

[Inserted in the last Class.]

IV. AND forasmuch as Thieves and Robbers are much encouraged to commit such Offences, because a great Number of Persons make it their Trade and Business to deal in the buying of stolen Goods; Be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall buy or receive any Goods or Chattel (1.) that shall be feloniously taken or stolen from any other Person, knowing the same to be stolen, he or they shall be taken and deemed an Accessary or Accessories to such Felony after the Fact, and shall incur the same Punishment, as an Accessory or Accessories to the Felony after the Felony committed.

No. 1.
3 William and
Mary, c. 9.
Buyers of stolen
Goods reputed
Accessaries to
Felony.

* It is observed in Rede's Essay towards a free Examination of the Laws of England, Vol. II. p. 75. (apparently with much Justice) that "Receiving Stolen Goods is, perhaps, the most prominent Evil in the whole Penal Code; and that instead of the piece-meal System which has been from Time to Time adopted, on Suggestions only applicable to particular Cases, one general Law should embrace every Object, and remedy every Defect in the existing Statutes. When (it is added) the Receiver is in Reality the greatest Offender, and even the Source from whence most Burglaries and Robberies have their Origin, the Receipt of Stolen Goods should be made an original Offence."

Certainly a general Law, which provided in three Lines — That receiving Stolen Goods, Money, Bills, &c. knowing them to be stolen, and whether the Value did or did not amount to more than 1s. should be Felony, and that the Offenders should be liable to be transported for any Term not exceeding fourteen Years; or to be punished by whipping, Fine and Imprisonment; or any one or more of such Punishments, would seem to be much preferable to the present complicated System.

(1.) This does not extend to Money, (Guy's Case, Leach, Ca. 121.) nor to Bank Notes, Bills, &c. R. v. Sadie and Morris, Leach, Ca. 216; E. P. C. ch. 16, § 143. See 2 Geo. III. c. 25. (in the preceding Class) Note 5.

No. 2.

P.

I Anne, stat. 2. c. 9. — An Act for punishing of Accessories to Felonies, and Receivers of stolen Goods, and to prevent the wilful burning and destroying of Ships.

[Inserted Class VII. ante.]

No. 2.

I Anne, st. 2.
c. 9.

Receivers of
stolen Goods
may be punis-
hed, where the
principal Felon
is not con-
victed.

II. A ND forasmuch as Buyers and Receivers of stolen Goods do oftentimes convey away and conceal the principal Felons, so that they cannot be convicted of such principal Felony, and thereby such Buyers and Receivers have escaped all Manner of Punishment, which hath greatly encouraged the buying and receiving of such stolen Goods: For Remedy whereof, be it enacted by the Authority aforesaid, That from and after the said twelfth Day of February one thousand seven hundred and two, it shall and may be lawful to prosecute and punish every such Person and Persons buying or receiving any stolen Goods, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, although the principal Felon be not before convicted of the said Felony, which shall exempt the Offender from being punished as Accessory, if the Principal shall be afterwards convicted.

No. 3.

P.

5 Anne, c. 31. — An Act for the Encouraging the Discovery and Apprehending of House-breakers.

[Inserted in the last Class.]

No. 3.

5 Anne, c. 31.
Buyers or Re-
ceivers of stolen
Goods, &c.
made Acces-
saries, &c.

V. A ND forasmuch as the said Felons are much encouraged to commit such Burglaries and Felonies, because a great Number of Persons make it a Trade to receive and buy of the said Felons the Goods so by them feloniously taken, and also do make it their Business to harbour and conceal the said Offenders after the said Facts, knowing the said Felonies and Burglaries to have been by them committed: Be it therefore enacted by the Authority aforesaid, That if any Person or Persons shall receive or buy any Goods or Chattels that shall be feloniously taken or stolen from any other Person, knowing the same to be stolen, or shall receive, harbour, or conceal any Burglars, Felons, or Thieves, knowing them to be so, shall be taken and received as Accessary or Accessories to the said Felony or Felonies; and being of either of the said Offences legally convicted, by the Testimony of one or more credible Witnesses, shall suffer and incur the Pains of Death as a Felon convict.

If principal Felon
cannot be taken, Access-

VI. Provided always, That if any such principal Felon cannot be taken, so as to be prosecuted and convicted for any

such Offence, yet nevertheless it shall and may be lawful to prosecute and punish every such Person and Persons buying or receiving any Goods stolen, by any such principal Felon, s^t Anne, c. 31; knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, although the principal Felon be not before convict of the said Felony, which shall exempt the Offender from being punished as Accessary, if such principal Felon shall be afterwards taken and convicted.

No. 3.
as for a Misdemeanor.

No. 4.

4 George I. c. 11.—An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates.

13.

I. WHEREAS it is found by Experience, That the Punishments inflicted by the Laws now in Force against the Offences of Robbery, Larceny and other felonious Taking and Stealing of Money and Goods, have not proved effectual to deter wicked and evil-disposed Persons from being guilty of the said Crimes: And whereas many Offenders to whom Royal Mercy hath been extended, upon Condition of transporting themselves to the *West Indies*, have often neglected to perform the said Condition, but returned to their former Wickedness, and been at last for new Crimes brought to a shameful and ignominious Death: And whereas in many of his Majesty's Colonies and Plantations in *America*, there is great Want of Servants, who by their Labour and Industry might be the Means of improving and making the said Colonies and Plantations more useful to this Nation: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person or Persons have been convicted of any Offence within the Benefit of Clergy, before the twentieth Day of *January* one thousand seven hundred and seventeen, and are liable to be whipt or burnt in the Hand, or have been ordered to any Workhouse, and who shall be therein on the said twentieth Day of *January*: as also where any Person or Persons shall be hereafter convicted of Grand or Petit Larceny, or any felonious Stealing or Taking of Money or Goods and Chattels, either from the Person, or the House of any other, or in any other Manner, and who by the law shall be entitled to the Benefit of Clergy, and liable only to the Penalties of Burning in the Hand or Whipping, (except Persons convicted for receiving or buying stolen Goods, knowing them to be stolen) it shall and may be lawful for the Court before whom they were convicted, or any Court

No. 4.
4 George I.
c. 11.

This Act is in-
forced,
6 Geo. 1. c. 23.

Persons con-
victed of Offen-
ces within Be-
nefit of Clergy,
except Re-
ceivers and
Buyers of stolen
Goods, shall be
sent to the
Plantations for
seven Years.

No. 4.
4 George I.
c. 15.

held at the same Place with the like Authority, if they think fit, instead of ordering any such Offenders to be burnt in the Hand, or whipt, to order and direct, That such Offenders, as also such Offenders in any Workhouse, as aforesaid, shall be sent as soon as conveniently may be, to some of his Majesty's Colonies and Plantations in *America* for the Space of seven Years; and that Court before whom they were convicted, or any subsequent Court held at the same Place, with like Authority as the former, shall have power to convey, transfer and make over, such Offenders, by Order of Court, to the Use of any Person or Persons who shall contract for the Performance of such Transportation, to him or them, and his and their Assigns, for such Term of seven Years; and where any Persons have been convicted, or do now stand attainted of any Offences whatsoever, for which Death by Law ought to be inflicted, or where any Offenders shall hereafter be convicted of any Crimes whatsoever, for which they are by Law to be excluded the Benefit of Clergy, and his Majesty, his Heirs or Successors, shall be graciously pleased to extend Royal Mercy to any such Offenders, upon the Condition of Transportation to any Part of *America*, and such Intention of Mercy be signified by one of his Majesty's Principal Secretaries of State, it shall and may be lawful to and for any Court having proper Authority, to allow such Offenders the Benefit of a Pardon under the Great Seal, and to order and direct the like Transfer and Conveyance to any Person or Persons, (who will contract for the Performance of such Transportation) and to his and their Assigns, of any such before-mentioned Offenders, as also of any Person or Persons convicted of receiving or buying stolen Goods, knowing them to be stolen, for the Term of fourteen Years, in case such Condition of Transportation be general, or else for such other Term or Terms as shall be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs and Successors, as aforesaid; and such Person or Persons so contracting, as aforesaid, his or their Assigns, by virtue of such Order of Transfer, as aforesaid, shall have a Property and Interest in the Service of such Offenders for such Term of Years.

Court to contract for their Transportation.

Persons convicted of Offences, excluded Benefit of Clergy, and also Receivers and Buyers of stolen Goods may be transported for 14 Years; and Persons contracting for their Transportation have Property in their Service.

Persons taking Rewards for helping to stolen Goods, guilty of Felony,

' IV. And whereas there are several Persons who have ' secret Acquaintance with Felons, and who make it their ' Business to help Persons to their stolen Goods, and by that ' Means gain Money from them, which is divided between ' them and the Felons, whereby they greatly encourage such ' Offenders: Be it enacted by the Authority aforesaid, That where-ever any Person taketh Money or Reward, directly or indirectly, under Pretence or upon Account of helping any Person or Persons to any stolen Goods or Chattels, every such Person so taking Money or Reward, as aforesaid, (unless such Person doth apprehend, or cause to be apprehended, such Felon who stole the same, and cause such Felon to be brought to his Trial for the same, and give Evidence against him) shall be guilty of Felony, and suffer the Pains and Penalties of

Felony, according to the Nature of the Felony committed in stealing such Goods, and in such and the same Manner as if such Offender had himself stole such Goods and Chattels, in the Manner, and with such Circumstances as the same were stolen. (1.)

No. 4.
4 George I.
c. 11.

(1.) By 6 George, c. 23. a Reward of £40 is given for apprehending Persons guilty of this Offence. This Provision was made with a View of reaching the famous Jonathan Wild, who was convicted and executed upon it. In Drinkwater's Case, Leach, Ca. 7. a Question was made, Whether a Person could be found guilty under it, the principal Felon not being convicted? But Sir E. H. East suggests, that the real Question must have been, Whether the Offender could be found guilty, the Principal being dead, so that the other could not have the Opportunity of apprehending, &c.?

No. 5.

15 George II. c. 27.—An Act for the more effectual preventing any Cloth, or Woollen Goods remaining upon the Rack or Tenters, or any Woollen Yarn or Wool left out to dry, from being stolen or taken away in the Night-time.

WHEREAS Clothiers and others concerned in the Woollen Manufacture are under a Necessity of letting their Cloth, and other Woollen Goods remain upon the Rack or Tenters, as also of suffering their Wool to lie exposed in the Night-time, in order the better to dry and prepare the same; whereby the said Goods are more frequently liable to be stolen by wicked and evil-designing Persons, who are encouraged in their Wickedness by the Difficulty of proving the Identity of the Goods stolen; Therefore to secure the Property of such Clothiers, and others concerned in the Woollen Manufacture, and to facilitate a Discovery of such Goods so stolen; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-ninth Day of September, one thousand seven hundred and forty-two, in case any Cloth or Woollen Goods remaining upon the Rack or Tenters, or any Woollen Yarn or Wool left out to dry, shall be stolen or taken away in the Night-time; it shall and may be lawful to and for any one or more Justice or Justices of the Peace of the same County or Place, upon Complaint made to him or them, within ten Days after such Cloth, Woollen Goods, Woollen Yarn, or Wool, shall have been so stolen or taken away, by the Owner of such Cloth, Woollen Goods, Woollen Yarn, or Wool, by Warrant under his or their Hands and Seals, to authorize and empower any Constable, Headborough, or other Peace Officer in the Day-time, to enter into and search the Houses, Outhouses, Yards, Gardens, or other Places belonging to the Houses of all and every Person and Persons whom the

No. 5.
15 George II.
c. 27.

No. 5.
15 George II.
c. 27.

Search may be
made for Cloth
stolen off Tent-
ers, and Wool,
&c. left to dry.

Woollen Goods
found, to be ac-
counted for be-
fore a Justice.

Offender to
forfeit treble
Value, by Dis-
tress and Sale;

second Offence
six Months Im-
prisonment.

Owner of such Cloth, Woollen Goods, Woollen Yarn, or Wool, shall, upon his Oath, declare to such Justice or Justices of the Peace, he suspects to have stolen, taken away or received the same; and in case such Constable, or other Officer shall find or discover any Cloth, Woollen Goods, or Wool, which he shall from the Information of the Person making such Oath, have reason to suspect to be so stolen, taken away or received, he shall forthwith apprehend all and every Person or Persons in whose Custody or Possession such Cloth, Woollen Goods, or Wool shall be found, and carry him, her, or them, before some Justice or Justices of the Peace of the same County, Riding, Division, Liberty, City, or Town Corporate; and if the said Person or Persons so suspected, apprehended, and carried before the said Justice or Justices, shall not then and there give a satisfactory Account, how he, she, or they acquired the Property or Possession of such Cloth, Woollen Goods, Woollen Yarn, or Wool, or shall not, within some convenient Time to be set by the said Justice or Justices, produce the Party or Parties of whom he, she, or they received the same, or some other credible Witness to depose upon Oath such Property or Right to the Possession of the said Cloth, Woollen Goods, Woollen Yarn, or Wool (which Oath the said Justice or Justices are hereby empowered to administer), that the said Person or Persons so suspected, and not giving such satisfactory Account, nor producing any such Witness upon Oath to testify as aforesaid, shall be deemed and adjudged as convicted of the said Offence of stealing or taking away the said Cloth, Woollen Goods, Woollen Yarn, or Wool, and shall for the first Offence forfeit and pay to the Owner of such Cloth, Woollen Goods, Woollen Yarn, or Wool, Treble the Value thereof; and in Default of Payment thereof, in the Time appointed by such Justice or Justices for the Payment thereof, such Justice or Justices of the Peace shall issue forth his or their Warrant to levy the same by Distress and Sale of the Offender's Goods, returning the Overplus, if any be; and in Default of such Distress, shall commit the Offender or Offenders to the common Gaol of the County, City, or Place where the said Offender or Offenders shall be apprehended, there to remain for the Space of three Months without Bail or Mainprize, or until he, she, or they pay the same; and if such Person or Persons shall again commit the said Offence, and be thereof convicted as before, then they and every of them so offending the second Time, and being thereof so convicted, shall, over and above the Forfeiture of Treble the Value of the Cloth, Woollen Goods, Woollen Yarn, or Wool so found, to be recovered and levied as aforesaid, be committed to the common Gaol as aforesaid, there to remain for the Space of six Months without Bail or Mainprize; and if such Person or Persons shall again commit the said Offence, and be thereof convicted as before, the Justice or Justices of the Peace before whom such Person or Persons shall be so convicted as aforesaid, shall forthwith issue his or their Warrant to commit the said Offen-

der or Offenders to the common Gaol as aforesaid, there to remain till the next Assizes or Great Session, where the said Offender or Offenders shall be tried for the said Offence; and in case such Offender or Offenders shall not by producing the Party or Parties of whom he, she, or they acquired the Property or Possession of such Cloth, Woollen Goods, Woollen Yarn, or Wool, or otherwise prove to the Satisfaction of the Jury, that he, she, or they lawfully obtained the Property or Possession of the same, he, she, or they shall be adjudged to be guilty of Felony, and suffer Transportation for the Space of seven Years, and shall be liable to the same Punishment, and for third Offence, to the like Methods of Prosecution, Trial, and Conviction for returning from such Transportation, as other Felons transported are liable unto by virtue of the Laws now in Force.

Transportation
for third Offence.

II. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons so suspected and apprehended as aforesaid, shall find him, her or themselves aggrieved by any Judgment or Determination which shall be given or made by any Justice or Justices of the Peace by virtue of this Act, it shall and may be lawful to and for such Person or Persons so aggrieved (unless he, she or they have twice before been convicted of the same Offence), to appeal unto the Justices of the Peace in their General Quarter Sessions, which shall happen to be held next after such Judgment or Determination given or made, who are hereby authorized and empowered to give such Relief, and make such Order therein as to them shall seem meet; and such Judgment, Order, or Determination as shall be by them made upon the said Appeal, shall be final to all Intents and Purposes whatsoever.

III. Provided also, That this Act shall not extend to alter Proviso. or repeal any Law now in Force, for the Punishment of any Person or Persons stealing or receiving such Cloth, Woollen Goods, Woollen Yarn, or Wool, except in such Cases where the Proof is laid upon the Offender or Offenders as aforesaid; any Thing herein contained to the contrary notwithstanding.

No. 6.

25 George II. c. 36.—An Act for the better preventing Thefts and Robberies, and for regulating Places of Publick Entertainment, and punishing Persons keeping disorderly Houses.

p.

WHEREAS the advertising a Reward with no Questions asked, for the Return of Things which have been lost or stolen, is one great Cause and Encouragement of Thefts and Robberies; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this pre-

No. 6.
25 George II.
c. 36.

No. 6.
25 George II.
c. 36.

Persons advertising Reward
for Return of
Things stolen
or lost, &c.

and the Printer,
to forfeit 50l.

sent Parliament assembled, and by the Authority of the same, That from and after the first Day of June, one thousand seven hundred and fifty-two, any Person publickly advertising a Reward with no Questions asked, for the Return of Things which have been stolen, or lost, or making use of any Words in such public Advertisement, purporting that such Reward shall be given or paid without seizing or making Enquiry after the Person producing such Thing so stolen or lost, or promising or offering, in any such publick Advertisement, to return to any Pawnbroker, or other Person, who may have bought or advanced Money by way of Loan upon such Thing so stolen or lost the money so paid or advanced, or any other Sum of Money or Reward for the Return of such Thing ; and any Person printing or publishing such Advertisement, shall respectively forfeit the Sum of fifty Pounds for every such Offence, to any Person who will sue for the same.

No. 7.

29 George II. c. 30.—An Act for more effectually discouraging and preventing the stealing, and the buying and receiving of stolen Lead, Iron, Copper, Brass, Bell-metal and Solder, and for more effectually bringing the Offenders to Justice.

No. 7.
29 George II.
c. 30.

WHEREAS the pernicious Practice of stealing Lead, Iron, Copper, Brass, Bell-metal and Solder fixed to, or lying or being in or upon Houses, Outhouses, Mills, Warehouses, Workshops and other Buildings, Areas, Vaults, Yards, Gardens, Orchards or other Places; and also the stealing of such Materials from Ships, Barges, Lighters, Boats and other Vessels and Craft, upon navigable Rivers, in Ports of Entry or Discharge, Creeks and Docks belonging thereto, and also from off Wharfs, Keys and other Places, is become a great and notorious Evil, by reason of the Difficulty in apprehending and convicting the Thieves, and the still greater Difficulty of discovering and convicting the Buyers or Receivers thereof; which Buyers or Receivers are the principal Cause of the Commission of such Thefts; and in regard that the said Offences are committed in such close and clandestine Manner, that there can be no Witness or Witnesses to the same, but such who is or are Partakers of the Offence : And whereas if the Buyers and Receivers of Lead, Iron, Copper, Brass, Bell-metal or Solder, knowing or having reasonable Cause to suspect the same to be stolen or unlawfully come by, were made original Offenders, and punishable independent of the Apprehension and Conviction of the Thief; and if the apprehending, prosecuting and convicting the Offenders in both Kinds were rendered more easy and speedy, it might more effectually tend to the Discovery and Suppression of the said Offences : For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of *October* one thousand seven hundred and fifty-six, every Person who shall buy or receive any Lead, Iron, Copper, Brass, Bell-metal or Solder, (1.) knowing the same to be unlawfully come by, or shall privately buy or receive any stolen Lead, Iron, Copper, Brass, Bell-metal or Solder, by suffering any Door, Window or Shutter to be left open or unfastened between Sun-setting and Sun-rising for that Purpose, or shall buy or receive the same, or any of them, at any Time in any clandestine Manner from any Person or Persons whatsoever, shall, being thereof convicted by due Course of Law, although the principal Felon or Felons has not or have not been convicted of stealing the same, be transported for fourteen Years to any of his Majesty's Colonies or Plantations in *America*, according to the Laws in Force for the Transportation of Felons

No. 7.
29 George II.
c. 36.

Buyers or Receivers knowing, &c. transported for 14 Years.

II. And be it enacted by the Authority aforesaid, That it shall and may be lawful for any one Justice of the Peace, upon Complaint made to him upon Oath by any credible Persons, that there is Cause to suspect stolen Lead, Iron, Copper, Brass, Bell-metal or Solder, is concealed in any Dwelling-house, Out-house, Yard, Garden or other Place or Places, by Warrant under his Hand and Seal, to cause every such Dwelling-house, Out-house, Yard, Garden and Place to be searched in the Day-time; and if any Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen, shall be found therein, to cause the same, and the Person or Persons in whose House, Out-house, Yard, Garden or other Place the same shall be found, to be brought before any two or more Justices of the Peace for the same County, City, Riding, Division, Liberty or Place; and if the said Person or Persons shall not give an Account, to the Satisfaction of such Justices, how he, she, or they came by the same; or shall not, within some convenient Time to be set by the said Justices, produce the Party or Parties of or from whom he, she, or they bought or received such stolen Lead, Iron, Copper, Brass, Bell-metal or Solder, that then the Person or Persons so offending shall be deemed and charged guilty of a Misdemeanor.

Where Cause
of Suspicion,
Justice to issue
Search Warrant.

III. And be it further enacted by the Authority aforesaid, That every Constable, Headborough or Tithingman, in every Night-time,

(1.) In *Rex v. Stott*, E. P. C. ch. 16, § 144. a Doubt was entertained, whether the Act (or the Exception of the same enumerated Articles in Stat. 22 Geo. III. post) only extended to the Articles in their raw State, as contradistinguished from wrought Goods? And the Case of *Rex v. Scott*, before Serjt. Adair, as Chief Justice of Chester, was cited, as having so decided, (which certainly was the Case within my own knowledge). I remember, in the Discussion in the *King v. Stott*, that the Court leaned very much to the Objection, (which was founded upon the Exception in Stat. 22 Geo. III.) but in consequence of an Intimation, that in a Proceeding under the present Statute, the Sentence of Transportation for fourteen Years, was a specific Punishment, the Defendant's Counsel waved any further Prosecution of the Writ of Error. Sir E. H. East, ub. supra, states strong Reasons against confining the Description to the several Metals in an unwrought State.

No. 7. County, City, Town Corporate, or other Place where they
 29 George II. shall be Officers, and every Beadle within his Ward, Parish
 c. 30.
 may be apprehended, &c.
 handed, &c.

County, City, Town Corporate, or other Place where they shall be Officers, and every Beadle within his Ward, Parish or District, and every Watchman, during such Time only as he is on his Duty, shall and may apprehend, or cause to be apprehended, all and every Person or Persons who may reasonably be suspected of having or carrying, or any ways conveying, at any Time after Sun-setting, and before Sun-rising, any Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen or unlawfully come by; and the same, together with such Person or Persons, as soon as conveniently may be, to convey or carry before any two or more Justices of the Peace for the County, City, Riding, Division, Liberty or Place aforesaid; and if the Person or Persons so apprehended conveying any such Lead, Iron, Copper, Brass, Bell-metal or Solder, shall not produce the Party or Parties from whom he, she, or they bought or received the same, or some other credible Witness to depose upon Oath the Sale or Delivery of the said Lead, Iron, Copper, Brass, Bell-metal or Solder (which Oath any such Justices are hereby impowered to administer) or shall not give an Account, to the Satisfaction of any two or more of such Justices, how he, she, or they came by the same, that then the said Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanor.

In which Cases Materials to be deposited with the Churchwardens, &c.

Owner proving his Property, to have them.

IV. And be it enacted by the Authority aforesaid, That where any Person or Persons shall be convicted of either of the Misdemeanors aforesaid, it shall and may be lawful for any two or more of such Justices to cause such Lead, Iron, Copper, Brass, Bell-metal or Solder, to be deposited in the Hands of the Churchwardens and Overseers of the Poor of the Place where such Lead, Iron, Copper, Brass, Bell-metal or Solder were found, or in any other convenient Place, for any Time not exceeding thirty Days; and in the mean Time to order the said Churchwardens and Overseers of the Poor, or one of them, in all and every of the Parishes within the Bills of Mortality, to insert an Advertisement in some publick Paper, and in every other Parish or Place to cause Notice to be given by some publick Cryer, and by fixing on the Church or Chapel Door Notice describing such Lead, Iron, Copper, Brass, Bell-metal or Solder, and where the same shall be so deposited, to the End that Persons having lost such Lead, Iron, Copper, Brass, Bell-metal or Solder may come and claim the same, or any reputable Person on their Behalf; and in case any Person or Persons can prove their Property to the said Lead, Iron, Copper, Brass, Bell-metal or Solder, upon Oath, to the Satisfaction of any two or more of such Justices of the Peace for such County, City, Riding, Divison, Liberty, or Place, that then such Justices shall order Restitution of such Lead, Iron, Copper, Brass, Bell-metal or Solder to the Owner or Owners thereof, after paying the reasonable Charges of removing, depositing and giving publick Notice of the same, and if at the End of the said thirty Days no Person or Persons shall come and prove his, her, or their Property, nor any reputable Person on his or their Behalf, to such Lead, Iron, Copper,

Brass, Bell-metal or Solder, the same to be sold for the best Price that can reasonably be had; and after deducting the Charges as aforesaid, one Moiety of the Money arising from such Sale to be given to the Person or Persons who shall apprehend the Party or Parties guilty of the Misdemeanors aforesaid, or either of them; and the other Moiety thereof to the Poor of the Parish where such Offence shall be committed (if it is known where) or else where such Convictions shall be made.

No. 7.
29 George II.
c. 30.

V. And be it further enacted by the Authority aforesaid, That every Person to whom any Lead, Iron, Copper, Brass, Bell-metal or Solder shall be brought and offered to be sold, pawned or delivered, shall and is hereby impowered and required (there being reasonable Cause to suspect that such Lead, Iron, Copper, Brass, Bell-metal or Solder was stolen or unlawfully come by) to apprehend, secure and carry before a Justice of the Peace for the County, City, Riding, Division, Liberty or Place where the same shall be so brought or offered (having it in his or her Power so to do) the Person or Persons so bringing or offering the same, together with such Lead, Iron, Copper, Brass, Bell-metal or Solder; and such Person or Persons so apprehended shall be dealt with, and such Lead, Iron, Copper, Brass, Bell-metal or Solder, shall be deposited and disposed of, in the same Manner as if he, she, or they had been apprehended by the Constable, Headborough, Tythingman, Beadle or Watchman as aforesaid; and if it shall appear upon the Oath of any Person, notwithstanding such Person or Persons was or were concerned in the stealing the same, if corroborated with other credible Circumstances, to the Satisfaction of two or more Justices of the Peace for the County, City, Riding, Division, Liberty or Place where the same shall be so brought or offered as aforesaid, that there was reasonable Cause to suspect such Lead, Iron, Copper, Brass, Bell-metal or Solder was stolen or unlawfully come by, and that the Person or Persons to whom such Lead, Iron, Copper, Brass, Bell-metal or Solder was so brought or offered, did not (having it in his, her, or their Power so to do) apprehend, secure and carry before a Justice of the Peace as aforesaid, the Person or Persons who so brought or offered the same, that then the Person or Persons to whom such Lead, Iron, Copper, Brass, Bell-metal or Solder was so brought or offered, shall be deemed and adjudged guilty of a Misdemeanor.

VI. And be it further enacted, That every Person deemed guilty of a Misdemeanor, in having in his, her, or their Possession, any Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen, or unlawfully come by, and not producing the Party or Parties of whom he, she, or they bought or received the same, nor giving a satisfactory Account how he, she, or they came by the same, or in having, carrying or conveying of Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties from whom

No. 7. he, she, or they bought or received the same, nor any credible Witness to depose upon Oath the Sale or Delivery thereof, nor giving a satisfactory Account how he, she, or they came by the same (as the Case shall be) shall, for every such Misdemeanor, forfeit for the first Offence the Sum of forty Shillings, and for the second Offence the Sum of four Pounds, and for every subsequent Offence the Sum of six Pounds; and that every Person deemed and adjudged guilty of the Misdemeanor of neglecting to apprehend, secure and carry before a Justice of the Peace, the Person or Persons (having it in his, her, or their Power so to do) who brought or offered to sell, pawn or deliver any Lead, Iron, Copper, Brass, Bell-metal or Solder (as the Case shall be) suspected to be stolen or unlawfully come by, shall, for every such Misdemeanor, forfeit for the first Offence the Sum of twenty Shillings, and for the second Offence the Sum of forty Shillings, and for every subsequent Offence the Sum of four Pounds; all

Forfeitures how levied, &c. which said respective Forfeitures shall and may be levied by Distress and Sale of the Goods and Chattels of every such Offender (rendring to him or her the Overplus, after Charges of the said Distress and Sale deducted) by Warrant under the Hands and Seals of any two or more of such Justices, before whom such Offender was deemed and adjudged guilty; which Forfeiture shall be paid, one Moiety thereof to the Informer, and the other Moiety thereof to the Overseers of the Poor, for the Use of the Poor of the Parish or Place where such Offence was committed (if it is known where) or else where such Conviction shall be made; and if no sufficient Distress shall be found, whereupon to levy the said respective Forfeitures, then the said Justices shall and may commit every such Offender; so respectively deemed and adjudged guilty as aforesaid, to the common Gaol or other Prison, or House of Correction, within their Jurisdiction, without Bail or Mainprize, for the Space of one Month for the first Offence, and for the second Offence for the Space of two Months, and for every subsequent Offence until such Offender shall be discharged by Order of the Court of General or Quarter Sessions.

For Want of Distress, Offender to be committed.

Convictions to be certified to the Quarter-Sessions,

in the Form following.

VII. And be it further enacted, That every Conviction of any Offender, in any of the aforesaid Misdemeanors, shall be certified by two or more of the Justices of the Peace, making the same, to the next General or Quarter Sessions of the Peace, to be filed and entered amongst the Records of the said Sessions; and that such Conviction shall and may be drawn up on Parchment, and certified in the following Form of Words (as the Case shall happen) or in any other Form of Words to the like Effect, *mutatis mutandis*; that is to say,

Middlesex, } BE it remembered, That on the Day
to wit. } of in the Year A. B. was
convicted before us of the Justices of
the Peace for the County, City, Riding, Division,
Liberty or Place aforesaid (as the Case shall be) of a
Misdemeanor, in having in his, her, or their Posses-

No. 7.
29 George II.
c. 30.

sion, Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties of whom he, she, or they bought or received the same, nor giving a satisfactory Account how he, she, or they came by the same, or in having, carrying, or conveying of Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen or unlawfully come by, and not producing the Party or Parties from whom he, she, or they bought or received the same, nor any credible Witness to depose upon Oath the Sale or Delivery thereof, or not giving a satisfactory Account how he, she, or they came by the same, or of neglecting to apprehend and secure the Person or Persons who brought and offered to pawn, sell or deliver Lead, Iron, Copper, Brass, Bell-metal or Solder, suspected to be stolen or unlawfully come by (as the Case shall be).

' Given under our Hands and Seals the Day
' and Year aforesaid.'

Which said Conviction, in the same or the like Form of Words, Conviction not to be quashed, or removed, shall be good and effectual in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any other Form or Words whatsoever, nor be liable to be removed by *Certiorari* into his Majesty's Court of *King's Bench*, but shall be deemed and taken to be final to all Intents and Purposes whatsoever.

VIII. And be it further enacted by the Authority aforesaid, That if any Person, being out of Prison, shall, after the said first Day of October one thousand seven hundred and fifty-six, commit any Felony, by stealing any Lead, Iron, Copper, Brass, Bell-metal or Solder, and afterwards discover two or more Persons who shall buy or receive any stolen Lead, Iron, Copper, Brass, Bell-metal or Solder, after the said first Day of October one thousand seven hundred and fifty-six, knowing the same to be stolen, so as two or more of the Persons discovered shall be convicted of such buying or receiving, he, she or they so discovering shall have and be intitled to, the gracious Pardon of his Majesty, his Heirs and Successors, for all such Felonies by him or her committed, at any Time or Times before such Discovery made, which Pardon shall be likewise a Bar to any Appeal brought for such Felony.

IX. And be it further enacted by the Authority aforesaid, and convicting any of a Misdemeanor, in not apprehending, discharging, or sending from Prison, any Person to whom he, she, or they shall have, after the first Day of October, offered to sell, pawn or deliver any stolen Lead, Iron, Copper, Brass, Bell-metal or Solder, so as such Person be convicted of the Misdemeanor of not apprehending, securing and carrying him, her,

No. 7. or them before a Justice as aforesaid, that then the Person
29 George II. making such Discovery shall not be liable to be prosecuted for
c. 30. stealing the Lead, Iron, Copper, Brass, Bell-metal or Solder,
so offered as aforesaid.

Limitation of Actions.

X. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Justice or Justices of the Peace, or other Officer or Person whatsoever, for doing or causing to be done any Thing in pursuance of this Act, concerning the said Offences, the same shall be commenced or brought within six Months after such Cause of Action has accrued ; and the Defendant in such Case may plead the General Issue, and give the special Matter in Evidence ; and if upon such Action a Verdict shall be given for the Defendant, or the Plaintiff become nonsuited, or discontinue his Action, the Defendant shall have Treble Costs.

Former Laws not vacated, nor Offenders liable to double Punishment.

XI. Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal any former Law now in being, for the Punishment of such Offenders ; and provided also, that such Offender, after having been punished by this Act, shall not for the same Offence be afterwards punished or be liable to be punished by any such former Law.

No. 8.

P. 2 George III. c. 28.—An Act to prevent the committing of Thefts and Frauds by Persons navigating Bum-Boats, and other Boats, upon the River *Thames*.*

No. 8.
2 George III. c. 28.
Persons convicted of knowingly buying or receiving stolen Goods from Vessels in the River; or of privately buying or receiving at any Time any such Goods clandestinely, or by suffering any Door, Window, or Shutter at Night to be left open or unfastened for that Purpose, shall be transported for 14 Years.

XII. AND be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June one thousand seven hundred and sixty-two, every Person who shall buy or receive any Part of the Cargo or Loading of, or any Goods, Stores or Things, of or belonging to any Ship or Vessel in the said River, knowing the same to be stolen or unlawfully come by ; or shall privately buy or receive any such Goods, Stores or Things, or any Part of such Cargo or Loading, by suffering any Door, Window or Shutter to be left open or unfastened between Sun-setting and Sun-rising for that Purpose, or shall buy or receive the same, or any of them, at any Time, in any clandestine Manner, from any Person or Persons whomsoever, shall, being thereof convicted by due Course of Law (although the principal Felon or Felons, Offender or Offenders, has or have not been convicted of stealing or unlawfully procuring the same) be transported for fourteen Years to any of his Majesty's Colonies or Plantations in *America*, according to the Laws in force for the Transportation of Felons.

* See 39 and 40 Geo. III. c. 87. infra.

No. 9.

10 George III. c. 48. — An Act for making the Receiving of stolen Jewels, and Gold and Silver Plate, in the Case of Burglary and Highway Robbery, more penal.

WHEREAS the Facility with which stolen Jewels, and Gold and Silver Plate, are disposed of, is one principal Cause of the frequent Commission of Burglaries and Highway Robberies; and the present Laws against the receiving of stolen Goods are found insufficient to deter Persons from that Practice: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person, who from and after the first Day of June one thousand seven hundred and seventy, shall buy or receive any stolen Jewel or Jewels, or any stolen Gold or Silver Plate, Watch or Watches, knowing the same to have been stolen, shall, in all Cases where such Jewel or Jewels, (1.) or Gold or Silver Plate, (2.) shall have been feloniously stolen, accompanied with a Burglary actually committed in the stealing the same, or shall have been feloniously taken by a Robbery on the Highway, shall be triable as well before Conviction of the principal Felon in such Felony and Burglary or Robbery, whether he shall be in or out of Custody, as after his Conviction: And if any Person, so buying or receiving such Jewel or Jewels, or Gold or Silver Plate, shall be convicted thereof, he shall be adjudged guilty of Felony, and be transported to some of his Majesty's Plantations in America for the Space of fourteen Years, according to the Laws in Force for Transportation of Felons.

(1.) (2.) In *Rex v. Moses*, E. P. C. ch. 16. § 146. the Judges differed as to a Gold Watch being Plate; but agreed that Cornelian Seals, set in Gold, were Jewels within the Act.

No. 10.

19 George III. c. 31. — An Act for the more effectual Execution of the Criminal Laws in the two Parts of the United Kingdom.

AND be it further enacted by the Authority aforesaid, That if any Person or Persons, in either Part of the United Kingdom, shall hereafter receive or have any Money, Cattle, Goods, or other Effects, stolen, or otherwise feloniously taken, in the other Part of the United Kingdom, knowing the same to be stolen, or otherwise feloniously taken, every such Person or Persons shall be liable to be indicted, tried, and

No. 10. punished for such Offence in that Part of the United Kingdom
 13 George III. where he, she, or they shall so receive or have the said Mo-
 ney, Cattle, Goods; or other Effects, in the same Manner, to
 all Intent and Purposes, as if the said Money, Cattle, Goods,
 stolen, also lia-
 ble to be
 punished.
 No. 10. punished for such Offence in that Part of the United Kingdom.

No. 11.

21 George III. c. 69.—An Act to explain and amend an
 Act, made in the twenty-ninth Year of the Reign of
 his late Majesty King *George* the Second, intituled,
 “ An Act for more effectually discouraging and pre-
 venting the stealing, and the buying and receiving of
 stolen Lead, Iron, Copper, Brass, Bell-metal, and
 Solder; and for more effectually bringing the Of-
 fenders to Justice.

No. 11.
 21 George III.
 c. 69.

Preamble.
 Recital of 29.
 Geo. 2. c. 30.

From Aug. 1,
 1781, every
 Person who
 shall buy or re-
 ceive any
 Pewter Pots, or
 other Pewter,
 knowing the
 same to be
 stolen, &c.
 shall, on Con-
 viction, be
 transported as a
 Felon for seven
 Years, &c.

WHEREAS by an Act, passed in the twenty-ninth
 Year of the Reign of his late Majesty King *George*
 the Second, intituled, “ An Act for more effectually discour-
 aging and preventing the stealing, and buying of stolen
 Lead, Iron, Copper, Brass, Bell-metal, and Solder; and
 for more effectually bringing the Offenders to Justice,” divers
 Provisions were made for punishing the Receivers and Buyers
 of Lead, Iron, Copper, Brass, Bell-metal, and Solder, know-
 ing the same to be stolen: And whereas the said Act has been
 found by Experience to tend to good and useful Purposes,
 and to prevent many Felonies being committed in respect to
 the several Articles therein mentioned; but the Metal called
 Pewter not being mentioned or included in the said Act, evil-
 disposed Persons have taken Advantage thereof, and the
 stealing of Pewter Pots, and other Pewter, and the buying
 and receiving such Pewter Pots, and other Pewter, know-
 ing the same to be stolen, is become a great and notorious
 Evil; be it enacted by the King’s most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assem-
 bled, and by the Authority of the same, That, from and after the
 first Day of *August*, one thousand seven hundred and eighty-
 one, every Person who shall buy or receive any Pewter Pot,
 or other Vessel, or any Pewter in any Form or Shape what-
 ever, knowing the same to be stolen, or unlawfully come by;
 or shall privately buy or receive any stolen Pewter, by suffer-
 ing any Door, Window, or Shutter, to be left open or unfas-
 tened, between Sun-setting and Sun-rising, for that Purpose;
 or shall buy or receive the same at any Time, in any clandes-
 tine Manner, from any Person or Persons whatsoever; shall,
 being thereof convicted by due Course of Law, although the
 principal Felon or Felons has not or have not been convicted

of stealing the same, be transported, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, for any Time not exceeding seven Years, or be kept and detained in Prison, and therein kept to hard Labour, for any Time not exceeding three Years, nor less than one Year; and within that Time (if such Court shall think fitting) such Offender or Offenders shall be once, or oftener, but not more than three Times, publickly whipped.

No. 11.
21 George III.
c. 69.

No. 12.

22 George III, c. 58.—An Act for the more easy Discovery and effectual Punishment of Buyers and Receivers of Stolen Goods.

WHEREAS the pernicious Practices of buying and receiving stolen Goods are become a great Evil, by reason of the Difficulty of discovering the Persons guilty of the same, and of the Insufficiency of the Laws now in being for the Punishment of such Offenders, in certain Cases; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of August one thousand seven hundred and eighty-two, in all Cases whatsoever where any Goods or Chattels (except Lead, Iron, Copper, Brass, Bell-metal, and Solder, (1.) shall have been feloniously taken or stolen, whether the Offence of the Person or Persons so taking or stealing the same, shall amount to Grand Larceny or some greater Offence, or to petit Larceny only (except where the Person or Persons actually committing the Felony shall have been already convicted of Grand Larceny, (2.) or of some greater Offence), every Person who shall buy or receive any such Goods and Chattels, knowing the same to have been so taken or stolen, shall be held and deemed guilty of, and may be prosecuted for, a Misdemeanor, and shall be punished by Fine, Imprisonment, or Whipping, as the Court of Quarter Sessions, who are hereby empowered to try such Offender, or as any other Court before which he, she, or they, shall be tried, shall think fit to inflict; although the principal Felon or Felons be not before convicted of the said Felony, and whether he, she, or they, is or are amenable to Justice or not; any Law or Statute to the contrary notwithstanding: And in Cases where the Felony actually committed shall amount to Grand Larceny, or to some greater Offence, and where the Person or Persons actually committing

No. 12.
22 George III.
c. 58.

Every Person
buying or re-
ceiving stolen
Goods shall be
deemed guilty
of a Misde-
meanor, and
prosecuted ac-
cordingly.

(1.) See Note to 29 Geo. II. c. 30 supra.

(2.) It is not necessary to alledge in the Indictment, that the Persons committing the Felony had not been convicted of great Larceny, &c. which is Matter of Difference, that, if proved by the Defendant, would entitle him to an Acquittal; *R. v. Baxter*, 5 T. R. 89.

No. 12.
22 George III
c. 58.

such Felony shall not be before convicted, such Offender or Offenders shall be exempted from being punished as Accessary or Accessories, if such principal Felon or Felons shall be afterward, convicted.

Justices may grant Search Warrants.

Punishment of Persons in whose Custody they are found.

Constables, &c. may apprehend Persons suspected, &c.

Persons offering stolen Goods to be pawned or sold, shall be taken before a Justice.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any one Justice of the Peace, upon Complaint made before him upon Oath, that there is Reason to suspect that stolen Goods are knowingly concealed in any Dwelling-house, Out-house, Garden, Yard, Croft, or other Place or Places, by Warrant under his Hand and Seal, to cause every such Dwelling-house, Out-house, Garden, Yard, Croft, or other Place or Places, to be searched in the Day Time; and the Person or Persons knowingly concealing the said stolen Goods, or any Part thereof, or in whose Custody the same, or any Part thereof, shall be found, he, she, or they, being privy thereto, shall be deemed and held guilty of a Misdemeanor, and shall and may be brought before any Justice of the Peace for the County, City, Town Corporate, Riding, Division, Liberty, or Place, and made amenable to answer the same, by like Warrant of any such Justice, and being thereof convicted by due Course of Law, shall be punishable in the Manner aforesaid.

III. And be it further enacted by the Authority aforesaid That every Constable, Headborough, or Tithing-man, in every County, City, Town Corporate, Riding, Division, Liberty, or other Place where there shall be Officers, and every Beadle within his Ward, Parish, or District, and every Watchman, during such Time only as he is on his Duty, shall and may apprehend, or cause to be apprehended, all and every Person and Persons, who may reasonably be suspected of having, or carrying, or any way conveying, at any Time after Sun-setting, and before Sun-rising, any Goods or Chattels suspected to be stolen, and the same, together with such Person or Persons, as soon as conveniently may be, to convey or carry before any Justice of the Peace for the County, City, Town Corporate, Riding, Division, Liberty, or Place aforesaid, to be dealt with according to Law; and such Person and Persons, so carrying or conveying such Goods or Chattels, knowing the same to have been stolen, and being thereof convicted, by due Course of Law, shall be deemed and held to be guilty of a Misdemeanor, and, on Conviction as aforesaid, shall be imprisoned for any Time not exceeding six Calendar Months, nor less than three Calendar Months.

IV. And be it further enacted by the Authority aforesaid, That every Person, to whom any Goods or Chattels, which have been feloniously stolen or taken, shall be brought and offered to be sold, pawned, or delivered, shall, and is hereby impowered and required (there being reasonable Cause to suspect that such Goods or Chattels were stolen) to apprehend, secure, and carry before a Justice of the Peace for the County, City, Town Corporate, Riding, Division, Liberty, or Place, where the same Goods and Chattels shall be so brought or offered to be sold, pawned, or delivered (having it

in his or her Power so to do), the Person and Persons bringing
or offering the same.

No. 12.
22 George III.
c. 58.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons, being out of Custody or in Custody, if under the Age of fifteen Years, upon any Charge of Felony within Benefit of Clergy, shall have committed any Felony after the first Day of *August*, one thousand seven hundred and eighty-two, and shall afterwards discover two or more Persons who shall have bought or received any Goods or Chattels, which shall have been feloniously stolen or taken from any other Person or Persons, after the said first Day of *August*, one thousand seven hundred and eighty-two, knowing the same to be stolen, so as two or more of the Persons discovered shall be convicted of such buying or receiving, he, she, or they, so discovering, shall have and be entitled to the gracious pardon of his Majesty, his Heirs and Successors, for all such Felonies by him or her committed at any Time or Times before such Discovery made, which Pardon shall be likewise a Bar to any Appeal brought for such Felony.

VI. Provided always, That nothing herein contained shall extend to repeal any former Law now in being for the Punishment of such Offenders; and provided also, that such Offender, after having been prosecuted and convicted under this Act, shall not, for the same Offense, be afterwards punished, or liable to be punished by any such former Law.

No. 13.

39 and 40 George III. c. 87.—An Act for the more effectual Prevention of Depredations on the River *Thames*, and in its Vicinity; and to amend an Act, made in the second Year of the Reign of his present Majesty, to prevent the committing of Thefts and Frauds by Persons navigating Bona Boats, and other Boats upon the River *Thames*.—[28th. July 1800.]

p.

XXII. AND whereas in and by the said last-mentioned Act, Persons guilty of certain Offences are punishable by Transportation for fourteen Years, but the said Offences not being by the said Act declared to be Felony, the Trial thereof may in all Cases be put off, by Means of a Traverse, to the next Sessions after the finding of the Bill of Indictment for the same, and the Offender be in the mean Time liberated, on being admitted to Bail, whereby Justice has been in many Instances eluded; for Remedy thereof, be it further enacted, That, from and after the passing of this Act, whenever any Indictment shall be found against any Person or Persons for the said Offences, or any of them, the Person or Persons so indicted shall plead to the same Indictment without having Time to traverse the same, as is usual in Cases of Misdemeanors.

No. 13.
39 and 40
George III.
c. 87.

Persons guilty
of Offences pu-
nishable
2 G. 3 28.
12 by
Transportation
for 14 Years,
shall plead to
Indictments
without having
Time to tra-
verse.

PART V. CLASS IX.

EMBEZZLEMENT BY AGENTS AND PUBLIC OFFICERS.

No. 1.

30 George III. c. 59.—An Act for the more effectually preventing the Embezzlement of Money or Securities for Money belonging to the Publick, by any Collector, Receiver, or other Person entrusted with the Receipt, Care or Management thereof.—[9th, June 1810.]

No. 1.
30 George III. c.
59.

Embezzling
Money issued
for Public Ser-
vices.

Misdemeanor,
&c.

Officers giving
in false State-
ments of Money
entrusted to
their Care.

WHEREAS it is most expedient that due Provision should be made more effectually to prevent the Embezzlement of Money or Securities for Money belonging to the Publick, by any Collector, Receiver or other Officer entrusted with the Receipt, Custody or Management thereof: Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons to whom any Money or Securities for Money shall be issued for publick Services, shall from and after the passing of this Act embezzle such Money, or in any Manner fraudulently apply the same to his own Use or Benefit, or for any Purpose whatever except for publick Services, every such Person so offending, and being thereof duly convicted according to Law, in any Part of the United Kingdom, shall be adjudged guilty of a Misdemeanor, and shall be sentenced to be transported beyond the Sea, or to receive such other Punishment as may by Law be inflicted on Persons guilty of Misdemeanors, and as the Court before which such Offenders may be tried and convicted shall adjudge.

II. And be it further enacted, That if any such Officer, Collector or Receiver so entrusted with the Receipt, Custody or Management of any Part of the public Revenues, shall knowingly furnish false Statements or Returns of the Sums of Money collected by him or entrusted to his Care, or of the

Balances of Money in his Hands or under his Control, such Officer, Collector or Receiver so offending, and being thereof convicted, shall be adjudged guilty of a Misdemeanor, and shall be adjudged to suffer the Punishment of Fine and Imprisonment, at the Discretion of the Court, and be rendered forever incapable of holding or enjoying any Office under the Crown.

No. 1.
George III.
c. 59.
Misdemeanor,
&c.

No. 2.

52 George III. c. 63.—An Act for more effectually preventing the Embezzlement of Securities for Money and other Effects, left or deposited for safe Custody, or other special Purpose, in the Hands of Bankers, Merchants, Brokers, Attorneys or other Agents.—[9th. June 1812.]

WHEREAS it is expedient that due Provision should be made to prevent the Embezzlement of Government and other Securities for Money, Plate, Jewels and other Personal Effects, deposited for safe Custody, or for any special Purpose, with Bankers, Merchants, Brokers, Attorneys and other Agents, entrusted by their Customers and Employers; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

if any Person or Persons with whom (as Banker or Bankers, Merchant or Merchants, Broker or Brokers, Attorney or Attorneys, or Agent or Agents of any Description whatsoever) any Ordnance Debenture, Exchequer Bill, Navy, Victualling or Transport Bill, or other Bill, Warrant or Order for the Payment of Money, State Lottery Ticket or Certificate, Seaman's Ticket, Bank Receipt for Payment of any Loan, India Bond or other Bond, or any Deed, Note or other Security for Money, or for any Share or Interest in any National Stock or Fund of this or any other Country, or any Stock or Fund of any Corporation, Company or Society established by Act of Parliament or Royal Charter, or any Power of Attorney for the Sale or Transfer of any such Stock or Fund, or any Share or Interest therein, or any Plate, Jewels or other Personal Effects, shall have been deposited, or shall be or remain for safe Custody, or upon or for any special Purpose, without any Authority, either general, special, conditional or discretionary, to sell or pledge such Debenture, Bill, Warrant, Order, State Lottery Ticket or Certificate, Seaman's Ticket, Bank Receipt, Bond, Deed, Note or other Security, Plate, Jewels or other Personal Effects, or to sell, transfer or pledge the Stock or Fund, or Share or Interest in the Stock or Fund to which such Security or Power of Attorney shall relate, shall sell, negotiate, transfer, assign, pledge, embezzle, secrete or in any manner

No. 2.
George III.
c. 63.
Persons subject
to Punishment,
for Embezzle-
ment of any
Deed, or other
Security for
Money entrust-
ed to their
Care.

No. 2. apply to his or their own Use or Benefit, any such Debenture,
 52 George III. Bill, Warrant, Order, State Lottery Ticket or Certificate,
 c. 63. Seaman's Ticket, Bank Receipt, Bond, Deed, Note or other
 Security, as hereinbefore mentioned, Plate, Jewels or other
 Personal Effects, or the Stock or Fund, or Share or Interest in
 the Stock or Fund to which such Security or Power of Attorney
 shall relate, in violation of good Faith, and contrary to the
 special Purpose, for which the Things hereinbefore mentioned,
 or any or either of them, shall have been deposited, or shall
 have been or remained with or in the Hands of such Person or
 Persons, with Intent to defraud the Owner or Owners of any
 such Instrument or Security, or the Person or Persons depositing
 the same, or the Owner or Owners of the Stock or Fund,
 Share or Interest, to which such Security or Power of Attorney
 shall relate, every Person so offending in any Part of the
 United Kingdom of Great Britain and Ireland, shall be deemed
 and taken to be guilty of a Misdemeanor, and, being thereof
 convicted according to Law, shall be sentenced to Transportation
 for any Term not exceeding fourteen Years, or to receive
 such other Punishment as may by Law be inflicted on a Person
 or Persons guilty of a Misdemeanor, and as the Court before
 which such Offender or Offenders may be tried and convicted
 shall adjudge.

II. And whereas it is usual for Persons having Dealings
 with Bankers, Merchants, Brokers, Attorneys and other
 Agents, to deposit or place in the Hands of such Bankers,
 Merchants, Brokers, Attorneys and other Agents, Sums of
 Money, Bills, Notes, Drafts, Cheques or Orders for the
 Payment of Money, with Directions or Orders to invest the
 Monies so paid, or to which such Bills, Notes, Drafts,
 Cheques or Orders relate, or Part thereof, in the Purchase of
 Stocks or Funds, or in or upon Government or other Securi-
 ties for Money, or to apply and dispose thereof in other
 Ways or for other Purposes; and it is expedient to prevent
 Embezzlement and Malversation in such Cases also; Be it
 therefore enacted by the Authority aforesaid, That if any such
 Banker, Merchant, Broker, Attorney or other Agent, in whose
 Hands any Sum or Sums of Money, Bill, Note, Draft, Cheque
 or Order for the Payment of any Sum or Sums of Money shall
 be placed, with any Order or Orders in Writing, and signed
 by the Party or Parties who shall so deposit or place the same,
 to invest such Sum or Sums of Money or the Money to
 which such Bill, Note, Draft, Cheque or Order as afore-
 said shall relate, in the Purchase of any Stock or Fund, or in or
 upon Government or other Securities, or in any other way
 or for any other Purpose specified in such Order or Orders,
 shall in any manner apply to his or their own Use and Benefit,
 any such Sum or Sums of Money, or any such Bill, Note,
 Draft, Cheque or Order for the Payment of any Sum or Sums
 of Money as hereinbefore mentioned, in violation of good Faith
 and contrary to the special Purpose specified in the Direction
 or Order in Writing hereinbefore mentioned, with Intent to

For preventing
 Bankers and
 others, from
 disposing for
 their own Use
 of Property de-
 posited with
 them.

defraud the Owner or Owners of any such Sum or Sums No. 2.
of Money, or Order for the Payment of any Sum or Sums ^{52 George III.}
of Money; every Person so offending in any Part of the ^{c. 63.}
United Kingdom, shall in like manner be deemed and taken
to be guilty of a Misdemeanor, and being convicted thereof
according to Law, shall incur and suffer such Punishment as is
herein-before mentioned.

III. Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend to Persons receiving Money due on Securities herein-before mentioned from receiving any Money which shall be or become actually due and payable upon or by virtue of any of the Instruments or Securities herein-before mentioned, according to the Tender and Effect thereof, in such manner as be or they might have done, if this Act had not been made.

IV. Provided also, and be it further enacted by the Authority aforesaid, That the Penalty by this Act annexed to the Commission of any Offence intended to be guarded against by this Act, shall not extend or be construed to extend to any Partner or Partners, or other Person or Persons of or belonging to any Partnership, Society or Firm, except only such Partner or Partners Person or Persons, as shall actually commit or be accessory or privy to the Commission of such Offence; any thing herein contained to the contrary in any wise notwithstanding.

V. Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained, nor any Proceeding, Conviction or Judgment to be had or taken thereupon, shall hinder, prevent, lessen or impeach any Remedy at Law or Equity at any time previously to his being indicted for such Offence, have disclosed such Act, Matter or Thing on Oath, under or in consequence of any compulsory Process of any Court of Law or Equity, in any Action, Suit or Proceeding, in or to which he shall have been a Party, and which shall have been *bona fide* instituted by the Party aggrieved by the Act, Matter or Thing, which shall have been committed by such Offender aforesaid.

VI. Provided always, and it is hereby expressly enacted and declared, That nothing in this Act contained shall extend to or affect any Person or Persons being a Trustee or Trustees in or under any Marriage Settlement, Will or other Deed or Instrument, or being a Mortgagee or Mortgagees of any Pro-

No. 2. **52 George III. c. 63.** perty whatsoever, whether Real or Personal, in respect of any Act or Acts done by any such Person or Persons in relation to the Property comprised in or affected by any such Trust or Mortgage as aforesaid.

Punishment of Persons offending in Scotland.

VII. Provided always, and be it enacted, That every Person who shall commit in *Scotland* any Offence against this Act, which by the Provisions thereof is constituted a Misdemeanor, shall be liable to be punished by Fine and Imprisonment, or by either of them, or by Transportation for any Term not exceeding fourteen Years, as the Judge or Judges before whom such Offender shall be tried and convicted may direct.

Act not to restrain Bankers from disposing of Securities on which they have a Lien.

VIII. Provided always, and it is hereby enacted, That nothing herein contained shall extend to restrain any Banker, Merchant, Broker, Attorney or other Agent, from selling, negotiating, transferring or otherwise disposing of any Securities, Property or other Effects as aforesaid, in their Custody or Possession, upon which they shall have any Lien, Claim or Demand, which by Law entitles them to sell or dispose thereof, unless such Sale, Transfer or other Disposal shall extend to a greater Number or to a greater Part of such Securities, Property or other Effects as aforesaid than shall be requisite or necessary for the Purpose of paying or satisfying such Lien, Claim or Demand; any thing herein-before contained to the contrary thereof in any wise notwithstanding.

PART V. CLASS X.

EMBEZZLEMENT OF PUBLIC STORES.

No. 1.

- 31 Elizabeth, c. 4.—An Act against the Imbeziling of Armour, Habiliments of War and Victual.

[Inserted Class VII.]

No. 2.

- 22 Charles II. c. 5.—An Act for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as shall steal or imbezil his Majesty's Ammunition and Stores.

[Inserted Class II.]

No. 3.

- 9 and 10 William III. c. 41.—An Act for the better preventing the Imbeztlement of his Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses, in paying Seamen's Wages.

p.

WHEREAS notwithstanding divers good Laws made and enacted, for the preventing of the stealing and Embeztlement of his Majesty's Stores of War, and Naval Stores, those Frauds, Thefts, and Embezlements are frequently practised, and the convicting of such Offenders is rendered difficult and impracticable, by reason it rarely happens that direct Proof can be made of such Offender's immediate taking, embezelling, or carrying away any of his Majesty's said Stores of War and Naval Stores out of or from his Majesty's Store-houses, Docks, Yards, Ships, Old-nance, or other Places for keeping and preserving the same, but only that such Goods are marked with the King's Mark, and found in the Custody and Possession of the said Person

No. 3.
9 and 10
William III.
c. 41.

No. 3.
9 and to
William III.
c. 41.

' accused for stealing or embezzling the same, to the great Encouragement of such wicked Offenders, and to his Majesty's and the Kingdom's great Damage.' For preventing such Embezzlements for the future, and for the more effectual Execution of the Laws and Statutes already in force against such Embezzlements and Thefts, be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, and by the Authority of the same, That from and after the four and twentieth Day of June, one thousand six hundred ninety-eight, it shall not be lawful to or for any Person or Persons whatsoever, other than Persons authorized by contracting with his Majesty's principal Officers or Commissioners of the Navy, Ordnance, or Victualling Office, for his Majesty's Use, to make any Stores of War or Naval Stores whatsoever, with the Marks usually used to and marked upon his Majesty's said Warlike and Naval or Ordnance Stores; that is to say, any Cordage of three Inches and upwards, wrought with a white Thread laid the contrary Way, or any smaller Cordage, to wit, from three Inches downwards, with a Twine in lieu of a White Thread, laid to the contrary Way as aforesaid, or any Canvas wrought or unwrought, with a Blue Streak in the Middle, or any other Stores with the Broad Arrow, by Stamp, Brand, or otherwise, upon Pain that every such Person or Persons, who shall make such Goods so marked as aforesaid, not being a Contractor with his Majesty's principal Officers or Commissioners of the Navy, Ordnance, or Victuallers, for his Majesty's Use, or employed by such Contractor for that Purpose as aforesaid, shall, for every such Offence, forfeit such Goods, and the Sum of two hundred Pounds, together with Costs of Suit; one Moiety whereof shall be to his Majesty, and the other Moiety to the Informer, to be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, Wager of Law, Injunction, or Order of Restraint, nor more than one Impariment, shall be allowed.

Penalty.

Penalty on Person in whose Custody such marked Stores are found, &c.
By 9 Geo. I.
c. 8 § 3 & 4,
the Penalty of

II. And be it further enacted by the Authority aforesaid, That such Person or Persons, in whose Custody, Possession, or Keeping, such Goods or Stores marked as aforesaid shall be found, (1.) not being employed as aforesaid, and such Person or Persons who shall conceal such Goods or Stores marked as aforesaid, being indicted (2.) and convicted of such Con-

(1.) Under this Act it must be alledged, that the Goods were found in the Custody, &c.; R. v. Harman, infra; Cole's Case, E. P. C. ch. 16. § 158.

(2.) In *Rex v. Harman*, 2 Lord Raym. 1104, it was objected—1. That no Indictment lay upon this Act; but overruled, as the Forfeiture accrues by Conviction in one Indictment. 2. That the Indictment, which alledged that the Defendant, not being, &c. had in his Possession Stores, &c. *contra Formam Statuti*, which were found in his Possession, was not sufficient, as the Offence does not consist in having the Goods, but in their being found, to which the Proceeding *contra Formam* did not apply; and the Indictment was on this Point held to be bad.

cealment, or of the having such Goods found in his Custody, Possession, or Keeping, (3.) shall forfeit such Goods, and the Sum of two hundred Pounds, together with the Costs of Prosecution, one Moiety to his Majesty, and the other Moiety to the Informer, to be recovered as aforesaid, and shall also suffer Imprisonment until Payment and Performance of the said Forfeiture, unless such Person shall, upon his Trial, produce a Certificate under the Hand of three or more of his Majesty's principal Officers or Commissioners of the Navy, Ordnance, or Victuallers, expressing the Numbers, Quantities or Weights of such Goods, as he or she shall then be indicted for, and the Occasion and Reason of such Goods coming to his or her Hands or Possession.

No. 3.
9 and 10
William III.
c. 41.

this Act may be mitigated.'

IV. Provided also, and be it further enacted by the Authority aforesaid, That the said principal Officers or Commissioners of the Navy, Ordnance, or Victualling Office for the Time being, may sell and dispose of any of the Stores aforesaid, so marked as aforesaid, as they did or might have done before the making of this Act; and that such Person or Persons as heretofore have or shall hereafter buy any such Stores, or other Stores so marked as aforesaid, of the said principal Officers or Commanders, or by their Order, may keep and enjoy the same without incurring the Penalty of this Act, or any Law to the contrary whatsoever, upon producing a Certificate or Certificates under the Hand and Seal of three or more of the said principal Officers or Commissioners of the Navy, Ordnance, or Victualling-office, that they bought such Goods from them the said principal Officers or Commissioners, or from such Person or Persons as did buy the said Stores from the said principal Officers or Commissioners, at any Time before such Stores were found in their Custody; in which Certificate or Certificates the Quantities of such Stores shall be expressed, and the Time when and where bought of the said Commissioners, who, or any three or more of them, for the Time being, are hereby empowered and directed, from Time to Time, to give to such Person or Persons, who shall desire the same, and have bought, and shall hereafter buy any of the aforesaid Stores, within thirty Days after the Sale and Delivery of the said Stores so sold, or to be sold as aforesaid.

VIII. Provided always, and be it further enacted by the King's Stores Authority aforesaid, That nothing in this Act contained shall be construed to hinder any the principal Officers and Commissioners of the Navy, or any Chief Commander of any of his Majesty's Ships at Sea, to lend any of his Majesty's Stores to any Merchant Ship or Vessel in Distress or otherwise, as might lawfully be done before the making of this Act, in case such Goods so lent be restored with all possible Conveniency; and

(3.) A Widow, having in her Possession Canvas marked, made up into Table Linen, Sheetin, &c. and proved to have been brought into Family Use in the Life-time of her Husband, was ruled by Sir M. Foster not to incur the Penalty for such Possession; Foster, Appx. 439, Ed. 1792; E. P. C. ch. 16. § 153.

No. 3. provided such Person or Persons so borrowing the said Stores, from Time to Time have such Certificate as aforesaid, which the said Principal Officers and Commissioners of the Navy, or Commander in Chief, are hereby required to give to the Party or Parties that shall so borrow the same. [This made a publick Act by 1 Geo. 1. sess. 2. c. 25. § 14.]

No.
10.
William III.
c. 41.

No. 4.

1 George I. stat. 2. c. 25.—An Act to prevent Disturbances by Seamen, and others; and to preserve the Stores belonging to his Majesty's Navy Royal; and also for explaining an Act for the better preventing the Imbezilment of his Majesty's Stores of War, and preventing Cheats, Frauds and Abuses in paying Seamen's Wages; and for reviving and continuing an Act for the more effectual Suppression of Piracy.

No. 4.
1 George I.
st. 2. c. 25.

I. WHEREAS divers Fightings, Quarrellings and Disturbances, do often happen in and about his Majesty's Offices, Yards and Stores belonging to his Majesty's Royal Navy, and frequent Differences and Disorders are occasioned in and about the Office of his Majesty's Treasury of the Navy, on Pay-days in *London, Portsmouth*, and other Places of Meeting for the Service of the said Navy, by the unreasonable Turbulency of Seamen, and others, attending on or relating to that Service, or their Creditors, or by the Rudeness of the Officers intrusted with his Majesty's Stores on Land, or in his Royal Ships, when they are questioned by the Principal Officers and Commissioners of the said Navy, either for Neglect or Imbezilment of his Majesty's Provisions, Ammunition, or other Equipage of the Navy under their Charge, not only to the Disturbance of the Peace, but sometimes to the Danger and Hindrance of his Majesty's Service, both in point of husbanding his Majesty's Revenue, and also in the Dispatch of the Ships, on which the Honour and Safety of his Majesty and Kingdom so much depend, which Inconveniences require a speedier Remedy than the ordinary Course of Justice; the Parties accused or offending being many Times bound to Sea, and the principal Officers and Commissioners, for want of Authority to suppress such Insolencies and Disorders, and hear, determine and punish such Offences, being necessitated to pass by many Offences in which his Majesty might be righted, if their necessary Attendance on that important Service would permit the Prosecution of the Offenders before other ordinary Judicatures: For Remedy whereof, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That the Treasurer, &c. of the Navy impowered to punish Disturbances in the Yards, &c.

surer, Comptroller, Surveyor, Clerk of the Acts, and the Commissioners of the Navy for the Time being, or any one or more of them, shall, from and after the twenty-ninth Day of September next ensuing, have Power and Authority, by Warrant under any one or more of their Hands and Seals, to cause such Offenders to be apprehended and brought before him or them, and to examine and punish all such Person and Persons whom he or they, upon their Enquiry and Examination of Witnesses upon Oath (which Oath he or they are hereby empowered to administer) or upon Confession of the Party or Parties accused, or on View in his or their Presence, shall find to make or have made any such Disturbance, Fighting, or Quarrelling in any the Yards, Stores, Offices or Places aforesaid, at Pay-days, or on other Occasions relating to the Naval Services, in such Manner as followeth (that is to say) that they, or any one or more of them, may punish any the said Offences by Fine, Imprisonment, or either of them, the Fine not exceeding twenty Shillings, and Imprisonment not exceeding one Week; and have Power in such Cases to commit such Person to the next Gaol, or to the Custody of the Messenger or Messengers for the Time being attendant on them, who respectively are to receive and detain such Person so offending; and that the said principal Officers and Commissioners, or any one or more of them then present, have hereby Power and Authority to discharge such Fine or Imprisonment, if they think fit, and for Non-payment of the Fine so imposed and not remitted, to imprison the Party offending until Payment thereof, or otherwise to cause such Offender or Offenders to be sent to the next House of Correction to the Place where such Offence shall be committed, there to be kept at hard Labour for the Space of two Months, without Bail or Mainprize, which said Fines shall be paid to the Clerk of the Chest at Chatham for the Use of the maimed Seamen.

II. And it is hereby further enacted by the Authority And may bind the Offenders to good Behaviour, &c. aforesaid, That the said Officers and Commissioners, or any one or more of them (in Cases where greater Example or Punishment is needful) may also bind the Person or Persons so offending, to their good Behaviour, and to answer the Offences whereof they shall be accused, at the next Assizes or General Quarter-Sessions of the Peace for the County or Place where such Offence shall be committed, with or without Sureties, as Occasion shall be; and in default of such Securities, where the same shall be required, to commit the Person or Persons offending, as aforesaid, to the common Gaol of the County or Place where such Offence shall be committed, in order to their being prosecuted for such Offence or Offences at the next Assizes or General Quarter-Sessions of the Peace for such County or Place.

III. And whereas divers of his Majesty's Stores and Ammunition, pertaining to his Navy and Shipping, or Service thereof, are often privately imbezilled or filched away: For the more effectual Discovery of such Stores and Ammunition, The said Offi-

No. 4.
¹ George I.
st. 2. c. 25.

No. 4. It is hereby further enacted by the Authority aforesaid, That the said principal Officers and Commissioners of his Majesty's Navy, or any one or more of them, shall have hereby Power to enquire, and by Warrant under his or their Hands and Seals, to impower any Person or Persons to search for the same in all Places, in like Manner as Justices of Peace may do in case of Felony, and punish the Offenders by such Fine and Imprisonment, as aforesaid, the Value of the Goods so imbezilled or filched away, not exceeding the Sum of twenty Shillings, and cause the Goods to be brought in again; and if the Offence be of such Nature as doth require an higher and severer Punishment, then that they, any one or more of them, may commit such Offender to the next Gaol, or to the Custody of their Messenger or Messengers aforesaid, till he or they offending enter into Recognizance with Surety or Sureties, according to the Nature of the Offence, to appear and answer to the same in his Majesty's Court of Exchequer, or other Court where his Majesty shall question him or them for the same, within one Year following, on Process duly served for that Purpose on such Offender or Offenders.

IV. And whereas divers ill-disposed Persons, upon Presence of carrying his Majesty's Naval Goods, Provisions, Victuals, Stores and Ammunition from his Majesty's Yards, Wharfs, Storehouses, or other Places, to his Majesty's Ship or Ships, or to such Ship or Ships as are employed in his Majesty's Service, or such Persons as are employed to recarry or remoye from the said Ship or Ships such Naval Stores, Goods, Provisions, Victuals, Stores and Ammunition, to such his Majesty's Yards, Wharfs, Storehouses, or other Places, do frequently imbezil, take and carry them away, where they cannot be found, and remove themselves to Places unknown, before they can be apprehended or convicted by due Process of Law, by reason that those Witnesses that should prove the said Facts are bound forth to Sea or otherwise employed elsewhere, and it is found necessary that Justice be more speedily done in such Cases, than by ordinary Course of Law it can be: Be it therefore enacted by the Authority aforesaid, That the Treasurer, Comptroller, Surveyor, Clerk of the Acts, and Commissioners of the Navy, for the Time being, or any one or more of them, where the Goods so imbezilled, taken or carried away, shall be under the Value of twenty Shillings, shall have full Power and Authority, upon the Oath of one or more Witnesses (which they or any of them have hereby Power to administer) or Confession of such Party so offending as aforesaid, or other legal Proof thereof, to convict the Party or Parties so offending, by Writing under his or any of their Hands and Seals, and to impose such Fine or Fines upon all or every such Person or Persons so offending and convicted, as aforesaid, as to the said Treasurer, Comptroller, Surveyor, Clerk of the Acts, and the Commissioners of the Navy, for the Time being, or any one or more of them, shall in his or their Discretion seem

When the
Goods imbezil-
led are under
the Value of
20s. Offender
shall be fined.

meet; the said Fine or Fines not exceeding double the Value of the Naval Goods, Provisions, Victuals, Stores or Ammunition so imbezled or carried away; which Fine or Fines shall be levied by Distress and Sale of the Goods of such Offender, by virtue of the Warrant of such Officer or Officers who shall so convict the said Offender, directed in Manner aforesaid, to the Person or Persons aforesaid, returning the Overplus, if any be, to the Owner of such Goods; or in case no sufficient Distress can be found, as aforesaid, the Party or Parties so offending shall, by virtue of the Warrant of such Officer before whom such Person or Persons shall be convicted, be imprisoned in the next Gaol for any Space of Time not exceeding three Months, without Bail or Mainprize.

No. 4.

1 George I.
st. 2. c. 25.Fine to be levied
by Distress, and
for want thereof
Imprisonment
for 3 Months.

V. And be it further enacted by the Authority aforesaid, That the said Treasurer, Comptroller, Surveyor, Clerk of the Acts and Commissioners of the Navy for the Time being, or any one or more of them, upon Oath of one or more credible Witnesses (which he and they have hereby Power to administer) testifying, That his Majesty's Naval Goods, Stores, Ammunition, or Naval Provisions, or any Part thereof, are conveyed into any Ship or Vessel whatsoever, and mentioning the Name of such Ship or Vessel being at Anchor, and not ready to sail that Tide, within any of the Roads, Harbours, Creeks, or Rivers, within his Majesty's Dominions, or any Person or Persons by their or one of their Warrant or Warrants (in which Warrant or Warrants the Quantity or Quality of such Goods shall be specified) thereunto authorized and appointed in the Day-time, shall have full Power and Authority to go on board any such Ship or Vessel whatsoever, being within any of the Places aforesaid; and in case Resistance or Refusal be made upon Demand, to enter and break open the Hatches and Cabins, or other Places of such Ship or Vessel, and search therein for any such Naval Goods, Stores, Ammunition or Provisions belonging to his Majesty's Navy, which have been imbezilled, purloined and taken away; and, the same to seize, take and carry away to any of his Majesty's Yards or Storehouses, to be applied to his Majesty's Use, unless the said Officers and Commissioners, upon hearing the Matter, shall find they were unduly seized, and thereupon restore them to the Party claiming the same, which they are hereby impowered to do.

Naval Stores
imbezilled and
put on Ship-
board shall be
seized by War-
rant of the said
Treasurer, &c.

VI. And be it further enacted by the Authority aforesaid, That every Person or Persons who shall counterfeit the Hands of the Treasurer, Comptroller, Surveyor, Clerk of the Acts, or of the Commissioners of the Navy, or any of them, or the Hand or Hands of the signing or vouching Officers of his Majesty's Navy, Ships or Yards, or the Hand or Hands of any one or more of them, to any Bill, Ticket, or other Papers, by virtue whereof his Majesty's Naval Treasure is or may be paid or disposed of, or shall knowingly produce any such counterfeit Ticket, Bill, or other Paper, every such Person or Persons so offending, shall or may be lawfully committed to Prison by the

No. 4. said Officers or Commissioners, or any one of them, until he shall find Surety to appear at the next General Assizes or Quarter Sessions of the Peace for the County, Town or Place where such Offender shall be so committed to Prison, to be there proceeded against according to Law.

[IX. Admiralty, &c. may administer Oaths in Cases relating to the receiving, &c. his Majesty's Treasure, &c.]

Treasurer of
the Navy, &c.
may execute
Powers hereby
given.

X. And it is hereby further declared and enacted by the Authority aforesaid, That the said Treasurer, Comptroller, Surveyor, Clerk of the Acts, and the Commissioners of the Navy, for the Time being, or any one or more of them, may execute all and every the Powers hereby, or by any other Law given them, or any one of them, on all and every the Offenders aforesaid, in all Places as well within Liberties as without; any Law, Statute, Ordinance, Charter, or Privilege to the contrary notwithstanding. *

[XI. Act shall not repeal, &c. 22 Car. 2. c. 5.]

[XII. Admiralty may execute this Act.]

XIII. Provided also, and be it further enacted, That no Person or Persons who shall be punished by virtue of this Act, shall be punished by force of any other Law for the same Offence.

[XIV. This and 9 and 10 W. 3. c. 41. Public Acts.]

Convictions
final.

XV. And be it further enacted by the Authority aforesaid, That all and every the Convictions and Judgments which shall be had, made or given in pursuance of this Act, shall be final, and not subject to any Appeal or Certiorari, nor be removed, superseded or suspended thereby, or by any of them; any Law, Statute, or Provision to the contrary thereof in any wise notwithstanding.

[XVI. General Issue.—Double Costs.]

Duration of
this Act.

XVIII. Provided, That this Act shall be in Force for five Years, and to the End of the next Session of Parliament, after the Expiration of the said five Years, and no longer. [Made perpetual by 9 Geo. 1. c. 8. §. 3.]

No. 5.

No. 5. 9 George I. c. 8.—An Act for continuing some Laws, and reviving others therein mentioned, * * * * * and relating to the Payment of Seamen's Wages, and the Preservation of Naval Stores and Stores of War; and for other Purposes.

No. 5. 9 George I.
c. 8.
1 Geo. I. st. 2.
c. 25.

III. AND be it enacted by the Authority aforesaid, That an Act made in the first Year of his present Majesty's Reign, intituled, "An Act to prevent Disturbances by Seamen and others, and to preserve the Stores belonging to his Majesty's Navy Royal, and also for explaining an Act for

the better preventing the Embezilment of his Majesty's Stores of War, and preventing Cheats, Frauds and Abuses in paying Seamens Wages, and for reviving and continuing an Act for the more effectual Suppression of Piracy," as to so much thereof as is expired, shall be, and is hereby revived from the five and twentieth Day of *March*, one thousand seven hundred and twenty-three, and made perpetual: ' And whereas by an Act made in the ninth and tenth Years of the Reign of his late Majesty King *William* the Third, intituled, " An Act for the better preventing the Imbezilment of his Majesty's Stores of War, and preventing Cheats, Frauds and Abuses in paying Seamens Wages," a Penalty of two hundred Pounds, with Costs of Prosecution and Pain of Imprisonment, is inflicted upon Persons having in their Custody, Possession or Keeping, or concealing contrary to the said Act, any Warlike, Naval or Ordnance Stores therein mentioned, or any other Stores marked with the Broad Arrow, by Stamp, Brand, or otherwise: And whereas it is necessary to give Power to mitigate the said Penalties, and to explain and amend the said Act: Be it enacted by the Authority aforesaid, That if any Person or Persons shall, after the five and twentieth Day of *March* one thousand seven hundred and twenty-three, be lawfully convicted of having in his, her, or their Custody, any Timber, Thick Stuff or Plank, marked with the Broad Arrow, by Stamp, Brand, or otherwise, or of concealing any Timber, Thick Stuff or Plank so marked, every such Person so offending, shall suffer, forfeit and pay, as for having, keeping or concealing any other Warlike, Naval or Ordnance Stores contrary to the said Act.

IV. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for any Judge, Justice or Justices, before whom any Offender or Offenders shall be convicted of any of the Crimes or Offences before recited, enacted or mentioned in this Act, to mitigate the Penalty for the same, as he or they shall see Cause, and to commit the Offender or Offenders so convicted, to the Common Gaol of the County or Place where the Offence shall be committed, there to remain without Bail or Mainprize, until Payment be made of the Penalty and Forfeiture imposed by this or the said former Act, or mitigated as aforesaid, or to punish such Offender or Offenders corporally, by causing him, her, or them to be publicly whipped, or committed to some Publick Workhouse, there to be kept to hard Labour for the Space of six Months, or a less Time, as to such Judge, Justice or Justices, in his or their Discretion shall seem meet; any Thing in the said recited Act, or in any other Act to the contrary notwithstanding.

V. And be it further enacted, That where any Dispute shall arise between the Persons, upon whose Informations or Oaths, any Person or Persons offending in the Premisses, or against the said former Act, shall be prosecuted and convicted, touching any Right or Title to any of the Forfeitures or Penal-

No. 5.
9 George I.
c. 8.

No. 5. ties before-mentioned, or any Part thereof, the Judge, Justice or Justices before whom such Offender or Offenders shall be convicted, shall examine the Matter and finally determine the same.

9 George I.
c. 8.

No. 6.

P. 17 George II. c. 40.—An Act to continue the several Laws therein mentioned, * * * * * * * * * and to explain two Acts relating to the Prosecution of Offenders for embezzling Naval Stores, or Stores of War; and for other Purposes.

No. 6.
17 George II.
c. 40.

9 and 10 W. 3.
c. 41.

X. AND whereas by an Act made in the ninth and tenth Years of the Reign of King William the Third, intituled, "An Act for the better preventing the Imbezzlement of his Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses in paying Seamen's Wages;" It is enacted, That from and after the four and twentieth Day of June one thousand six hundred ninety-eight, it shall not be lawful to or for any Person or Persons whatsoever, other than Persons authorized by contracting with his Majesty's principal Officers or Commissioners of the Navy, Ordnance, or Victualling Office, for his Majesty's Use, to mark any Stores of War, or Naval Stores whatsoever, with the Marks usually used to, and marked upon his Majesty's said Warlike and Naval or Ordnance Stores (in the Manner as in the said Act is described), or any other Stores, with the Broad Arrow, by Stamp, Brand, or otherwise; upon Pain that every such Person or Persons who shall make such Goods so marked, as in the said Act mentioned, not being a Contractor with his Majesty's Principal Officers, or Commissioners of the Navy, Ordnance, or Victualling, for his Majesty's Use, or employed by such Contractors for that Purpose as aforesaid, shall for every such Offence forfeit such Goods, and the Sum of two hundred Pounds, together with Costs of Suit; one Moiety whereof shall be to his Majesty, and the other Moiety to the Informer, to be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, Wager of Law, Injunction, or Order of Restraint, nor more than one Impariment shall be allowed: And it is thereby further enacted, That such Person or Persons in whose Custody, Possession, or Keeping, such Goods or Stores marked as aforesaid, shall be found, not being employed as aforesaid; and such Person or Persons who shall conceal such Goods or Stores marked as aforesaid, being indicted and convicted of such Concealment, or of the having such Goods found in the Custody, Possession, or Keeping, shall forfeit such Goods, and the Sum of two hundred Pounds, together with the Costs

* of Prosecution, one Moiety to his Majesty, and the other No. 6.
 * Moiety to the Informer, to be recovered as aforesaid; and 17 George II,
 * shall also suffer Imprisonment, until Payment and Performance c. 40.
 * of the Forfeiture, unless such Person shall, upon his Trial,
 * produce a Certificate, under the Hands of three or more of
 * his Majesty's principal Officers, or Commissioners of the
 * Navy, Ordnance, or Victualling, expressing the Numbers,
 * Quantities, or Weights of such Goods, as he or she shall then
 * be indicted for, and the Occasion and Reason of such Goods
 * coming to his or her Hands or Possession: And whereas
 * by another Act made in the ninth Year of the Reign of his
 * late Majesty King George the First, intituled, "An Act for 9 Geo. 1. c. 8.
 * continuing some Laws, and reviving others, therein men-
 * tioned, for exempting Apothecaries from serving Parish and
 * Ward Offices, and upon Juries, and relating to Jurors, and
 * to the Payment of Seamen's Wages, and the Preservation of
 * Naval Stores, and Stores of War, and concerning the Militia
 * and Trophy Money, and against clandestine Running of un-
 * customed Goods, and for more effectual preventing Frauds
 * relating to the Customs, and Frauds in mixing Silk with Stuffs
 * to be exported;" the aforesaid Act of King William is
 * recited, and a Penalty of two hundred Pounds, with Costs
 * of Prosecution, and Pain of Imprisonment, is inflicted upon
 * Persons having in their Custody, Possession, or Keeping, or
 * concealing, contrary to the said Act, any Warlike, Naval, or
 * Ordnance Stores therein mentioned, or any other Stores
 * marked with the Broad Arrow, by Stamp, Brand, or other-
 * wise: And whereas it was necessary to give Power to miti-
 * gate the said Penalties, and to explain and amend the said
 * Act, it is thereby enacted, That if any Person or Persons
 * shall, after the five and twentieth Day of March one thou-
 * sand seven hundred and twenty-three, be lawfully convicted
 * of having in his, her, or their Custody, any Timber, thick
 * Stuff, or Plank so marked; every such Person so offending
 * shall suffer, forfeit, and pay as for having, keeping, or con-
 * cealing any other Warlike, Naval, or Ordnance Stores,
 * contrary to the said Act: And it is thereby provided and
 * enacted, That it shall be lawful to and for any Judge, Justice,
 * or Justices, before whom any Offender or Offenders shall be
 * convicted of any of the Crimes or Offences before recited,
 * enacted, or mentioned in the said Act, to mitigate the Penal-
 * ty for the same, as he or they shall see Cause, and to commit
 * the Offender or Offenders so convicted to the Common Gaol
 * of the County or Place where the Offence shall be commit-
 * ted, there to remain without Bail or Mainprize, until Pay-
 * ment be made of the Penalty and Forfeiture imposed by that
 * or the said former Act, or mitigated as aforesaid; or to
 * punish such Offender or Offenders corporally, by causing
 * him, her, or them to be publickly whipped, or committed to
 * some publick Workhouse, there to be kept to hard Labour for
 * the Space of six Months, or a less Time, as to such Judge,
 * Justice or Justices in his or their Discretion shall seem meet;

No. 6. 17 George II. c. 40. any Thing in the said recited Act; or in any other Act to the contrary notwithstanding: And it is thereby further enacted,

That where any Disputes shall arise between the Persons upon whose Informations or Oaths any Person or Persons offending in the Premisses, or against the said former Act, shall be prosecuted and convicted touching any Right or Title to any of the Forfeitures or Penalties before mentioned, or any Part thereof; the Judge, Justice or Justices, before whom such Offender or Offenders shall be convicted, shall examine the Matter, and finally determine the same; and whereas some Doubts have arisen touching the Method of Trial and Punishment of Offenders against the said recited Acts, whether as the said Acts are worded, such Offender or Offenders may be indicted and tried for the Crimes and Offences in the said Acts mentioned, and whether any Judge, Justice or Justices of Assize, or Justices of Peace at the Sessions may hear, try and determine the same, and on Conviction set such Fine, or mitigate the same, and the Forfeitures and Penalties inflicted by the aforesaid Acts, on such Offender or Offenders, as the Nature of the Offences may deserve; or whether such Offenders as aforesaid, in order for recovering the said Forfeitures and Penalties inflicted by the said Act, can only be proceeded against by Action of Debt, Bill, Plaintiff, or Information, in some of his Majesty's Courts of Record at Westminster; by reason of which Doubts, it has so happened, that Offenders against the said recited Acts, having been indicted for the same, have escaped unpunished, to the great Encouragement of such Offenders and others, to commit the like Crimes and Offences for the future; For the remedying whereof, and for the explaining the Acts above mentioned, it is hereby declared and enacted, That it shall and may be lawful to and for any Judge, Justice or Justices at the Assizes, or Justices of the Peace at the General Quarter-Sessions to be holden for any County, City, Borough or Town Corporate, to hear, try and determine, by Indictment or otherwise, all or any the Crimes or Offences mentioned in the said recited Acts; and that the said Judge, Justice or Justices of Assize, or Justices of Peace as aforesaid, before whom such Offender or Offenders shall be indicted, or tried and convicted of all or any the Crimes or Offences in the said recited Acts mentioned, may impose any Fine, not exceeding the Sum of two hundred Pounds, on such Offender or Offenders; one Moiety to be paid to his Majesty, and the other Moiety to the Informer; and may mitigate the said Penalty and Forfeitures, inflicted by the said recited Acts, or either of them, and to commit the Offender or Offenders so convicted and fined, to the Common Gaol of the County or Place where the Offence shall be committed; there to remain without Bail or Mainprize, until Payment be made of the Penalty and Forfeitures imposed by this or the said former Acts, or mitigated as aforesaid; or in lieu thereof, to punish such Offender or Offenders in the Premisses corporally, by causing

Justices of Assize, or Quarter Sessions, may try Offences relating to the Stores, &c.

him, her, or them to be publickly whipped, and committed to, No. 6.
some House of Correction, or publick Workhouse, there to be ^{17 George II.}
kept to hard Labour for the Space of three Months, or less
^{c. 40.} Time, as to such Judge, Justice or Justices of Assize, or Justices of the Peace, shall in his or their Discretion seem meet; any Thing in the said recited Acts, or in any other Act to the contrary notwithstanding.

No. 7.

59 and 40 George III. c. 89.—An Act for the better preventing the Embezzlement of his Majesty's Naval, Ordnance, and Victualling Stores.—[28th. July 1800.]

P.

WHEREAS by an Act of Parliament made and passed in the twenty-second Year of the Reign of King Charles the Second, intituled, " An Act for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as shall steal or embezzle his Majesty's Ammunition and Stores," it is amongst other Things enacted, That no Person or Persons who shall feloniously steal or embezzle any of his Majesty's Sails, Cordage, or any other of his Majesty's Naval Stores, to the Value of twenty Shillings, and be thereupon found guilty in Manner therein mentioned, shall be admitted to have the Benefit of his or their Clergy, but utterly be excluded thereof, and shall suffer Death in such Manner and Form as they should if they were no Clerks: And whereas by an Act of Parliament made and passed in the ninth and tenth Years of the Reign of King William the Third, intituled, " An Act for the better preventing the Embezzlement of his Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses in paying Seamen's Wages," a Penalty of two hundred Pounds, with Costs of Prosecution, is inflicted upon Persons in whose Custody, Possession, or Keeping, shall be found, or who shall conceal contrary to the said Act any Warlike, Naval, or Ordnance Stores, marked in such Manner as therein mentioned: And whereas by another Act of Parliament made and passed in the ninth Year of the Reign of King George the First, intituled, " An Act for continuing some Laws and reviving others therein mentioned, for exempting Apothecaries from serving Parish and Ward Offices and upon Juries, and relating to Jurors, and to the Payment of Seamen's Wages, and the Preservation of Naval Stores and Stores of War, and concerning the Militia and Trophy Money, and against clandestine Running of Uncustomed Goods, and for the more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silks with Stuffs to be exported," it is enacted, That if any Person or Persons shall be lawfully convicted of having in his, her,

No. 7.
39 and 40.
George III.
c. 89.

22 Car. 2: c. 5.

9 Geo. I. c. 8.
and

No. 7. or their Custody, or of concealing, any Timber, Thick Stuff,
 39 and 40. or Plank, marked with the Broad Arrow, by Stamp, Brand,
 George III. or otherwise, every such Person shall suffer, forfeit, and pay
 c. 89. as for having, keeping, or concealing any other Warlike,
 Naval, or Ordnance Stores, contrary to the said Act of the
 ninth and tenth Years of King *William* the Third; and by
 the said last recited Act Power is given to the Judge, Justice
 or Justices before whom any Offender shall be convicted of
 any of the Crimes or Offences before recited, to mitigate the
 Penalty for the same as he or they shall see Cause, or to
 punish such Offence corporally, by causing him, her, or them
 to be publickly whipt or committed to some Publick Work-
 house, there to be kept to hard Labour for the Space of six
 Months, or a less Time, as to such Judge, Justice or Justices,
 in his or their Discretion shall seem meet: And whereas by
 another Act of Parliament, made and passed in the seven-
 17 Geo. 2. c. teen Year of the Reign of King *George* the Second, inti-
 40. § 10. re- cated,
 tuted, "An Act to continue the several Laws therein men-
 tioned, for preventing Theft and Rapine on the Northern
 Borders of *England*, for the more effectual punishing wicked
 and evil-disposed Persons going armed in Disguise, and do-
 ing Injuries and Violences to the Persons and Properties of his
 Majesty's Subjects, and for the more speedy bringing the
 Offenders to Justice; for continuing two Clauses to prevent
 the cutting or breaking down the Bank of any River or Sea
 Bank; and to prevent the malicious cutting of Hop Binds,
 and for the more effectual Punishment of Persons maliciously
 setting on Fire any Mine, Pit, or Delph of Coal or Cannel
 Coal; and of Persons unlawfully hunting, or taking any Red
 or Fallow Deer in Forests or Chases, or beating or wounding
 the Keepers or other Officers in Forests, Chases, or
 Parks; and for granting a Liberty to carry Sugars of the
 Growth, Produce, or Manufacture of any of his Majesty's
 Sugar Colonies in *America*, from the said Colonies directly to
 foreign Parts in Ships built in *Great Britain*, and navigated
 according to Law; and to explain two Acts relating to the
 Prosecution of Offenders for embezzling Naval Stores or
 Stores of War; and to prevent the retailing of Wine within
 either of the Universities in that Part of *Great Britain* called
England, without Licence;" it is amongst other Things de-
 clared and enacted, That it shall and may be lawful to and
 for any Judge, Justice or Justices at the Assizes, or Justices
 of the Peace at General Quarter Sessions to be holden as
 therein mentioned, to hear, try, and determine, by Indict-
 ment or otherwise, all or any of the Crimes or Offences
 mentioned in the therein and herein recited Acts of the ninth
 and tenth Years of the Reign of King *William* the Third, and
 the ninth Year of the Reign of King *George* the First; and
 that the said Judge, Justice or Justices of Assize, or Justices
 of the Peace, may impose any Fine not exceeding the Sum
 of two hundred Pounds on such Offender or Offenders, and
 may mitigate the said Penalty and Forfeitures inflicted by the

• said recited Acts or either of them, or in lieu thereof punish
 • such Offender or Offenders in the Premises corporally, by
 • causing him, her, or them to be publickly whipt and com-
 • mitted to some House of Correction or publick Workhouse,
 • there to be kept to hard Labour for the Space of three Months,
 • or less Time, as to such Judge, Justice or Justices of As-
 • size, or Justices of the Peace, shall in his or their Discretion
 • seem meet: And whereas notwithstanding the Penalties and
 • Punishments inflicted by the said recited Acts, the Stealers,
 • Embezzlers, and Receivers of his Majesty's Warlike and
 • Naval Ordnance and Victualling Stores have greatly increas-
 • ed, so that it has become necessary to make some further and
 • more effectual Provision for preventing their wicked Practices
 • in future: Be it therefore enacted by the King's most excel-
 • lent Majesty, by and with the Advice and Consent of the
 • Lords Spiritual and Temporal, and Commons, in this present
 • Parliament assembled, and by the Authority of the same, sell or receive
 That, from and after the passing of this Act, every Person or
 Persons (such Person or Persons not being a Contractor or of
 Contractors, or employed as in the said recited Act of the ninth
 and tenth Years of the Reign of King *William* the Third is be deemed Re-
 ceivers of Stolen Goods, and as
 or cause or procure to be sold or delivered, to any Person or such transported
 Persons whomsoever, or who shall willingly or knowingly for 14 Years,
 receive or have in his, her, or their Custody, Possession, or
 Keeping, any Stores of War, or Naval, Ordnance, or Victual-
 ling Stores, or any Goods whatsoever marked as in the said
 recited Acts are expressed, or any Canvas marked either with
 a blue Streak in the Middle, or with a blue Streak in a serpen-
 tine Form, or any Bewper, otherwise called *Buntin*, wrought
 with one or more Streaks of raised Tape (the said Stores of
 War, or Naval, Ordnance, or Victualling Stores or Goods
 above mentioned, or any of them, being in a raw or uncon-
 verted State, or being new or not more than one third worn),
 and such Person or Persons who shall conceal such Stores or
 Goods, or any of them, marked as aforesaid, shall be deemed
 Receivers of Stolen Goods knowing them to have been stolen,
 and shall, on being convicted thereof in due Form of Law, be
 transported beyond the Seas for the Term of fourteen Years,
 in like Manner as other Receivers of Stolen Goods are direct-
 ed to be transported by the Laws and Statutes of this Realm,
 unless such Person or Persons shall upon his, her, or their
 Trial, produce a Certificate under the Hands of three or more
 of his Majesty's principal Officers or Commissioners of the
 Navy, Ordnance, or Victualling, expressing the Numbers,
 Quantities, or Weights of such Stores or Goods, as he, she, or
 they shall then be indicted for, and the Occasion and Reason
 of such Stores or Goods coming to his, her, or their Hands or
 Possession.

II. And be it further enacted by the Authority aforesaid, Persons in
 That such Person or Persons (not being a Contractor or Contrac- whose Custody
 tors, or employed as aforesaid), in whose Custody, Possession,
 shall be found

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 George III.
 c. 89.

Every Person
 (not being a
 Contractor,
 &c.) who shall
 sell or receive
 any new Stores
 of War, &c. or
 who shall con-
 ceal them, shall
 be deemed Re-
 ceivers of Stolen
 Goods, and as
 such transported
 for 14 Years,
 unless he pro-
 duces on the
 Trial a Certifi-
 cate from the
 Navy Board,
 &c. .

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George III.
c. 89.

Canvas or Bun-
tin marked as
herein men-
tioned (not
being charged
to be new, or
not more than
one third worn)
and Persons
who shall be
convicted of any
Offence con-
cerning so much
of the recited
Act of 9 and 10
Gul. 3, as re-
lates to warlike
Stores, shall,
besides the For-
feiture thereby
imposed, suffer
corporal Pu-
nishment. Pe-
nalty of 200l.
may be miti-
gated.

Nothing herein
or in recited
Act of 9 and 10
Gul. 3, shall
exempt Con-
tractors, &c.
except so far as
concern Stores
which shall not
have been be-
fore delivered
into his Majes-
ty's Store,
unless they
have been sold
or returned by
the Commis-
sioners.

If any Person
shall deface any
Mark denoting
the Property of
his Majesty in
any Stores, or
shall employ
any Person so
to do, he shall
be deemed
guilty of Fe-
lony, and trans-
ported for 14
Years.

or Keeping any of the said Stores called *Canvas*, marked with a blue Streak in a serpentine Form, or *Bewper*, otherwise called *Buntin*, wrought as above-mentioned, shall be found, (such Can-
vas or Bewper, otherwise called Buntin, not being charged to be new, or not more than one-third worn), and all and every Person and Persons who shall be convicted of any Offence contrary to so much of the said recited Act of the ninth and tenth Years of the Reign of King *William* the Third, as relates to the making, or the having in possession or concealing any of his Majesty's Warlike, or Naval, or Ordnance Stores, marked as therein specified, shall, besides forfeiting such Stores, and the Sum of two hundred Pounds, together with costs of Suit as therein mentioned, be corporally punished by Pillory, Whipping, and Imprisonment, or by any or either of the said Ways and Means, in such Manner and for such Space of Time as to the Judge or Justices before whom such Offender or Offenders shall be convicted, shall seem meet; any thing in the said last mentioned Act, or in the before-recited Acts of the ninth Year of King *George* the first, and the seventeenth year of King *George* the Second, to the contrary thereof in anywise notwithstanding: Provided always, That it shall and may be lawful to and for such Judge or Justices to mitigate the said Penalty of two hundred Pounds, as he or they shall see Cause.

III. Provided always, and be it enacted, That nothing in this Act or in the said recited Act of the ninth and tenth Years of the Reign of King *William* the Third, contained, shall extend, or be deemed, taken, or construed to extend to exempt from the Operation of this Act, or the said recited Act respectively, any Person or Persons being a Contractor or Contractors, or employed as in the said last mentioned Act is mentioned, except only so far as concerns Stores or Goods marked as aforesaid, which shall be *bona fide* provided, made up, or manufactured by such Person or Persons, or by their Order, and which shall not have been before delivered into his Majesty's Store, unless having been so delivered, they shall have been sold or returned to such Person or Persons by the Commissioners of his Majesty's Navy, Ordnance, or Victualling respectively.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the passing of this Act, wilfully and fraudulently destroy, beat out, take out, cut out, deface, obliterate, or erase, wholly or in Part, any of the Marks in the said Act of the ninth and tenth Years of the Reign of King *William* the Third, or in this Act mentioned, or any other Mark whatsoever, denoting the Property of his Majesty, his Heirs or Successors, in or to any Warlike or Naval, Ordnance or Victualling Stores, or cause, procure, employ, or direct any other Person or Persons so to do, for the Purpose of concealing his Majesty's Property in such Stores, such Person or Persons shall be deemed guilty of Felony, and shall, on being convicted thereof, be transported to Parts beyond the Seas for the Term of fourteen Years, in like Manner

as other Felons are directed to be transported by the Laws and Statutes of this Realm.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons who shall hereafter be convicted of any Offence contrary to this Act, for which he shall not have been transported beyond the Seas, or contrary to the said recited Act of the ninth and tenth Years of King *William* the Third, shall be guilty of a second Offence, either contrary to that Act or to this present Act, which would not otherwise, as the first Offence, subject him, her, or them to Transportation, and shall be thereof legally convicted, such Person or Persons shall, by Judgment of the Court wherein he, she, or they shall be so convicted, be transported to Parts beyond the Seas for the Term of fourteen Years, in like Manner as other Offenders may be transported by the Laws and Statutes of this Realm now in force.

VI. And be it further enacted by the Authority aforesaid, That if any Person or Persons transported in pursuance of this Act shall return into any Part of *Great Britain* or *Ireland* before the End or Expiration of the Term for which he or she shall have been so transported, every such Person or Persons so returning shall suffer as Felons, and shall have Execution awarded against him, her, or them, as Persons attainted of Felony without Benefit of Clergy.

VII. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Court before whom any Offender or Offenders shall be indicted and convicted of all or any of the Crimes or Offences herein before mentioned to be punishable with Transportation, to mitigate or commute such Punishment, by causing the Offender or Offenders to be set on the Pillory, publickly whipt, fined or imprisoned, or by all or any one or more of the said Ways and Means, as such Court in its Discretion shall think fit; one Moiety of which Fine (if any imposed) shall be to his Majesty, his Heirs and Successors, and the other Moiety thereof to the Informer, and also to order such Offender or Offenders to be imprisoned until such Fine be paid; any Thing herein-before contained to the contrary thereof in any wise notwithstanding.

[VIII. If any Person shall discover to the Navy Board, &c. or apprehend any Offender guilty of stealing or embezzling his Majesty's Stores, or of any Offence against recited Act of 9 and 10 Gul. 3. or this Act, which shall not be prosecuted in a summary Way, he shall, on Conviction, receive a Reward of £ 20, over his Share of Penalty, if not more than that Sum.]

[IX. If any Dispute shall arise respecting the Title to such Reward, it shall be determined by any of the Commissioners of the Navy, &c.]

X. And be it further enacted by the Authority aforesaid, That the principal Officers and Commissioners of his Majesty's Navy, Ordnance, or Victualling, as the Case may require, shall cause the said Reward of twenty Pounds to be paid by the Treasurer of the Navy or Ordnance respectively for the Time being, out of any Publick Money in his Hands, upon producing

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If any Person convicted of any Offence contrary to this Act, for which he shall not have been transported, or contrary to the recited Act of 9 and 10 Gul. 3. shall be convicted of a second Offence which would not, as the first, subject him to Transportation, he shall be transported for 14 years.

Persons return-
ing from Trans-
portation under
this Act shall
suffer as Felons
without Benefit
of Clergy.

The Court may
mitigate the
Punishment of
Transportation
by Pillory,
Whipping,
Fine, or Impris-
onment; Ap-
plication of
Fines, one Half
to the Informer,
and one Half to
the King.

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to them a Certificate, under the Hand of the Clerk of Assize, or his Deputy, or other proper Officer of the Court before whom such Offender or Offenders shall be tried, certifying the Conviction of the Offender or Offenders, and that the Informer's Share of any Penalty or Fine inflicted upon such Offender or Offenders doth not amount to more than the Sum of twenty Pounds, or if amounting to more, hath failed to be paid by such Offender or Offenders for the Space of three Months next after his or their Conviction; unless such Offender or Offenders shall then be detained in pursuance of any Sentence of Imprisonment, and then for the Space of three Months next after the Expiration of such Sentence; which Certificate the said Clerk of Assize, or other proper Officer is hereby required to give, and for which he shall charge the Sum of five Shillings, and no more; and the Money paid by any such Treasurer on account of such Rewards, shall be allowed in his Accounts, and he shall be discharged thereof accordingly; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Any Commissioner of the Navy, &c. or any Justice of the Peace may grant Warrants for searching Houses, &c. where Oath is made that there is Reason to suspect Stores belonging to his M. J. or are concealed.

If any Stores or Goods (marked as herein-before, or in the recited Act of 9 and 10 Gul. 3, mentioned) shall be found, the Offender shall be dealt with according to Law; and it upon such Search or any Seizure of Stores or Goods marked as aforesaid, any not marked shall be found suspected to belong to his Majesty, and the Party shall not give a satisfactory Account thereof, they shall be forfeited, and he shall be deemed guilty of a Misdemeanor.

XI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Commissioner of the Navy, Ordnance, or Victualling, for the Time being, (who, for the Purposes herein-afier mentioned, is hereby authorized to act in every Respect as if he had been named as a Justice of the Peace in the Commission of the Peace for the County, City, Division, Town Corporate, Liberty, or Place in which he shall be resident, or into which his Warrant shall be issued,) or any Justice of the Peace for any County, Division, City, Town Corporate, Liberty, or Place, within this Kingdom, upon the Oath of one or more credible Person or Persons, that there is Reason or Cause to suspect that any Navy, Ordnance, or Victualling Stores or Goods belonging to his Majesty, his Heirs or Successors, are concealed in any Dwelling House, Warehouse, Workshop, Outhouse, Yard, Garden or other Place, or on board any Ship, Vessel, Barge, Boat, or other Craft, by Warrant under his Hand and Seal, to cause every such Dwelling House, Warehouse, Workshop, Outhouse, Yard, Garden, or Place, Ship, Vessel, Barge, Boat, or other Craft, in whatsoever County, Division, City, Town Corporate, Liberty, or Place, the same or any of them shall be, (in case such Warrant shall be granted by a Commissioner as aforesaid,) to be searched in the Day Time, by any Police Officer, Constable, Headborough, or other Peace Officer, either of the County, Division, City, Town Corporate, Liberty, or Place in which the Premises, Ship, Vessel, Barge, Boat, or other Craft shall be, or in which the Commissioner granting such Warrant (if granted by a Commissioner) shall then reside; and in case any Stores or Goods marked as herein-before or in the said recited Act of the ninth and tenth Years of King William the Third is mentioned, shall upon such Search be found, to cause the same, and the Offender or Offenders, to be brought before such Commissioner or Justice of

the Peace, who is hereby required to commit or bind over, or otherwise to deal with such Offender or Offenders according to Law, for such his or their Offence; and that in case, upon any such Search, or upon any Seizure whatsoever of Stores or Goods, marked as aforesaid, any Naval, Ordnance or Victualling Stores, not so marked as aforesaid, shall be found, which may reasonably be suspected to belong to his Majesty, the Party or Parties in whose Possession or Keeping the same shall be found, shall be required to give to the Commissioner or Justice of the Peace respectively before whom the said Stores or Goods shall and may be brought, an Account to the Satisfaction of such Commissioner or Justice, that the same were not embezzled or stolen from any of his Majesty's Ships or Vessels, Yards, Storhouses, or other Places, or that if the same were embezzled or stolen, the same had come to the Possession of the said Party or Parties honestly, and without any Knowledge or Suspicion that the same had been embezzled or stolen; on Failure whereof by a reasonable Time to be set by such Commissioner or Justice of the Peace, the said Stores or Goods shall thereupon become forfeited, and such Party or Parties shall be deemed and adjudged guilty of a Misdemeanor.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons deputed or appointed by the principal Officers or Commissioners of the Navy, Ordnance, or Victualling, or any three of them respectively, at any Time or Times from and after the passing of this Act, to stop, search, and detain in some Place of Safety, any Barge, Boat, or other Craft, which there shall be Reason to suspect doth contain any Naval, Ordnance, or Victualling Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things stolen, embezzled, or unlawfully procured from or out of any of his Majesty's Ships or Vessels, Yards, Storhouses, or other Places, and also to apprehend and detain, or cause to be apprehended and detained, any Person or Persons who may be reasonably suspected of having or conveying any such Stores or other Things in such Barge, Boat, or Craft, and such Person or Persons so apprehended shall be (as soon as conveniently may be) conveyed before any Commissioner of the Navy, Ordnance, or Victualling for the Time being, or before one or more Justice or Justices of the Peace for the County, Division, City, Town Corporate, Liberty, or Place in which such Seizure shall be made, together with the Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things so found in such Boat or other Craft; which said Commissioner or Justice is hereby required to commit or bind over, or otherwise to deal with such Person or Persons according to Law, in respect to any of the said last mentioned Stores and Things which shall be so marked as aforesaid; and in respect to any of such Stores and Things which shall not be so marked, but which shall nevertheless be reasonably suspected to be the Property of his Majesty, the said Person or Persons on whom

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Persons deputed by the Commissioners of the Navy, &c. may detain any Craft in which maybe suspected to be contained any Articles stolen from his Maj. 's Vessels, &c. and the Parties; who shall be dealt with according to Law respecting marked Stores, and those not marked, suspected to belong to his Majesty, and not satisfactorily accounted for, shall be forfeited, and the Party deemed guilty of a Misdemeanor.

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*[See § 11.]

If the Persons
be convicted of
stealing marked
Articles, or ad-
judged guilty of
a Misdemeanor
with respect to
unmarked ones,
the Craft in
which found
shall be for-
feited.

¶[§ 15.]

Persons so de-
puted, or any
Police or Peace
Officer, may
apprehend Per-
sons suspected of
having Articles
stolen from his
Majesty's Ves-
sels, &c. and
may seize the
Articles, and
convey them
and the Parties
before a Justice,
and the like
Proceedings
shall be had as
with respect to
Stores found in
any Craft.

Articles herein
declared to be
forfeited on the
Parties not giv-

the same shall be found shall be required to give an Account, to the Satisfaction of such Commissioner or Justice, that the same were not embezzled or stolen as aforesaid, or that if they were embezzled or stolen, the same had come to his or their Possession honestly, and without any Knowledge or Suspicion that the same had been embezzled or stolen; on Failure whereof, by a reasonable Time to be set as aforesaid,* the said last mentioned Stores or Things shall thereupon become forfeited, and the said Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanor; and in case the said Person or Persons shall be convicted of stealing, embezzling, or unlawfully having in his, her, or their Possession any of the said Stores or Things which shall be so marked as aforesaid, or shall be adjudged guilty of a Misdemeanor for not giving a satisfactory Account as aforesaid, with respect to such of the said Stores or Things as shall not be so marked as aforesaid, such Barge, Boat, or other Craft in which such Stores or Things, or any of them, shall be found, with its Tackle, Apparel, and Furniture, shall, upon such Conviction or Adjudication, become and be adjudged by such Commissioner or Justice forfeited, and shall be disposed of in Manner herein-after mentioned.†

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons deputed or appointed as aforesaid, or any Police Officer, Constable, Headborough, or other Peace Officer, or any Beadle or Watchman, (during such Time as he shall be on Duty,) of every Parish and Place where he shall be an Officer, to apprehend and detain, or cause to be apprehended and detained, all and every Person and Persons who may reasonably be suspected of having or carrying, or anyways conveying any Naval, Ordnance, or Victualling Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things stolen or unlawfully procured from or out of any of his Majesty's Ships or Vessels, Yards, Storehouses, or other Places, and also to seize and detain in some Place of Safety, such Stores, Materials, or Things as last aforesaid; and as soon as conveniently may be to convey, or cause the Person or Persons so apprehended to be conveyed before any Commissioner of the Navy, Ordnance, or Victualling, or before any one or more Justice or Justices of the Peace for any County, Division, City, Town Corporate, Liberty, or Place in or near to the Place of Seizure, together with the said Stores and other Things; and such and the like Proceedings shall and may be had and taken against the said Person or Persons, in respect of such last mentioned Stores or Things, whether marked or not marked, and such Forfeiture be incurred, and Adjudication made, as are above directed with respect to Stores found in any Barge, Boat, or other Craft as aforesaid.

XIV. And be it further enacted by the Authority aforesaid, That all and every the Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things, which

are herein-before declared to be forfeited on the Party or
 Parties not giving to the Commissioner or Justice a satisfactory
 Account that the same were not embezzled or stolen as afore-
 said, shall be forthwith returned into his Majesty's Store, and
 shall be applied for the Use and Benefit of his Majesty, his
 Heirs and Successors, unless Proof shall be made within three
 Calendar Months next following such Seizure, to the Satis-
 faction of such Commissioner or Justice of the Peace, that the
 same Stores and other Things are the Property of any other Person or Persons; in which Case the said Commissioner or Justice shall cause the same to be forthwith delivered up to such Person or Persons, on his or their giving a proper Receipt or contrary Discharge for the same, and paying the reasonable Costs and Charges, (to be set by such Commissioner or Justice,) attending the Conveyance thereof to and from his Majesty's Store, and the Warehousing or safe Custody thereof from the Time of the Seizure.

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Commissioner or Justice of the Peace respectively by whom any Barge, Boat, Craft shall be or other Craft shall be adjudged to be forfeited in pursuance of this Act, and he is hereby authorized and required forthwith after such Adjudication, to issue his Warrant to the Collector or other Chief Officer of the Customs at the Port at or nearest to the Place where such Seizure shall be made, for the Sale of thereof, who such Barge, Boat, or other Craft; which said Collector or other Chief Officer, by virtue thereof shall, and is hereby authorized and required within one Month then next following, to cause such Barge, Boat, or other Craft, together with its Tackle, Apparel and Furniture, to be publicly sold to the highest Bidder, Notice of which Sale shall be given in some or one of the publick Papers in Circulation in the City, Town or Corporate, or Place where such Sale shall be made; and the Money arising from such Sale, after Payment of the reasonable Expenses and Charges attending the same, and of securing such Barge, Boat, or other Craft from the Time of the Seizure thereof (to be ascertained by such Commissioner or Justice of the Peace) shall thereupon be forthwith paid by such Collector or other Officer of the Customs into the Hands of such Commissioner or Justice of the Peace respectively, and be by such Commissioner or Justice within one Calendar Month then next following paid and disposed of in the Manner following; (that is to say,) one Moiety thereof to the Person or Persons (or his or their Representatives, if dead) who shall have made Seizure of such Barge, Boat, or other Craft, and the other Moiety thereof to the Treasurer of his Majesty's Navy for the Time being (in case the Stores seized shall be Naval or Victualling Stores) to be by him applied in such and the same Manner as the Monies arising from the Sale of Old Stores in his Majesty's Dock Yards now are, or for the Time being shall be applicable; and in case the Stores seized shall be Ordnance Stores, then the said other Moiety shall be paid to the Treas-

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his Majesty's
 Stores, and ap-
 plied for his
 Use, unless
 within three
 Months to the
 Person or Persons,

them, shall be
 returned into
 his Majesty's
 Stores, and ap-
 plied for his
 Use, unless
 within three
 Months to the
 Person or Persons,

for his
 Use, unless
 within three
 Months to the
 Person or Persons,

for his
 Use, unless
 within three
 Months to the
 Person or Persons,

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Persons guilty of Misdemeanors shall forfeit for the first Offence 40s. for the second 5l., for the third 10l., which may be levied by Distress, to be applied, one Half to the Informer and one Half to the Navy Board &c. and if Distress cannot be found, the Offender, (who shall be kept in Custody,) shall be committed for three Months.

surer of his Majesty's Ordnance for the Time being, to be by him applied in such Manner for the Use of his Majesty, as the Master General and Principal Officers of his Majesty's Ordnance for the Time being shall order and direct.

XVI. And be it further enacted by the Authority aforesaid, That every Person deemed and adjudged guilty of any of the Misdemeanors aforesaid, before any Commissioner or Justice of the Peace as aforesaid, shall for every such Misdemeanor forfeit for the first Offence the Sum of forty Shillings; for the second Offence the sum of five Pounds, and for the third and every subsequent Offence the sum of ten Pounds, over and above the other Forfeitures above mentioned; all which said respective Forfeitures shall and may be levied by Distress and Sale of the Goods and Chattels of every such Offender, (rendering to him or them the Overplus, after the Charges of the said Distress and Sale deducted,) by Warrant under the Hand and Seal of such Commissioner or Justice of the Peace, before whom such Offender was convicted, directed to any Constable or other Peace Officer of the County, Division, City, Town Corporate, Liberty or Place, and shall be disposed of in Manner following; (that is to say,) one Moiety to the Person or Persons apprehending such Offender or Offenders, or giving Information, as the Case shall be, and the other Moiety thereof to the Treasurer of the Navy or Ordnance for the Time being, as the Case may require, to be applied as before mentioned; and in case the Constable or other Peace Officer to whom such Warrant shall be directed, shall return to such Commissioner or Justice of the Peace that the Offenders or Offender named therein have not or hath not any Goods or Chattels in his County or Constablewick, whereby he can levy the said Penalty, (which Return the said Constable or other Peace Officer is hereby required in that Case to make within a reasonable Time to be set by the said Commissioner or Justice of the Peace, and during which Time the said Offenders or Offender shall be kept in safe Custody by the Order of such Commissioner or Justice of the Peace,) then and in such Case the said Commissioner or Justice shall, and he is hereby required by Warrant under his Hand and Seal directed, as aforesaid, to cause such Offenders or Offender to be committed to the Common Gaol of the County, Division, City, Town Corporate, Liberty, or Place, in which such Seizure shall have been made, there to remain without Bail or Mainprize for the Space of three Calendar Months, unless such Penalty shall be sooner paid.

Adjudications in Misdemeanors shall be certified to the next General Quarter Sessions, and shall be final.

XVII. And be it further enacted, That every Adjudication in any of the said Misdemeanors shall be certified by the Commissioner or Justice of the Peace making the same, to the next General or Quarter Sessions of the Peace for the County, Division, City, Town Corporate or Place in which such Seizure shall be made, to be filed and entered amongst the Records of the said Session, and such Conviction shall not be set aside or quashed for Want of Form, nor be liable to be

removed by Certiorari, Advocation, or Suspension into any other Court, but shall be deemed and taken to be final to all Intentions and Purposes whatsoever.

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XVIII. "And whereas it might tend to prevent the Commission of Offences if Power were given to the Commissioners of his Majesty's Navy, Ordnance, and Victualling, and his Majesty's Justices of the Peace out of Sessions, to hear and determine Offences in a summary Way in Cases where the Stores found are of small Value, and to fine or otherwise punish the Offenders accordingly; be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful to and for any Principal Officer or Commissioner of the Navy, Ordnance, or Victualling for the Time being, or any Justice of the Peace for any County, Division, City, Town Corporate, Liberty, or Place within this Kingdom, to hear and determine any Complaint against any Person or Persons (not being a Contractor or Contractors, or employed as aforesaid) for unlawfully selling or delivering, or causing or procuring to be sold or delivered, or for receiving or having in his, her, or their Custody, Possession, or Keeping, or for concealing any Stores of War, or Naval, Ordnance, or Victualling Stores or Goods marked with such Marks respectively as are herein-before mentioned, of any Value in the Whole not exceeding twenty Shillings; which said Commissioner or Justice respectively is hereby authorized and required upon any Information exhibited or Complaint made in that Behalf, at any Time within three Calendar Months next after any such Offence shall have been committed, to cause the Party or Parties accused to be apprehended and brought before him; or if he, she, or they shall have absconded, or cannot be found, then to be summoned to appear before such Commissioner or Justice, by a Notice or Summons left at his, her, or their last or usual Place of Abode; and also to cause the Witnesses on either Side to be summoned; and such Commissioner or Justice shall examine into the Matter of Fact, and upon due Proof made thereof, either by the voluntary Confession of the Party or Parties, or by the Oath of one or more credible Witness or Witnesses, (which Oath the said Commissioner or Justice respectively is hereby authorized to administer,) give Judgment or Sentence accordingly; and in case the Party or Parties accused shall be convicted of such Offence, then it shall and may be lawful to and for such Commissioner or Justice of the Peace respectively to inflict a Fine of ten Pounds upon him, her, or them, for such his, her or their Offence; which said Fine may be levied by Distress, and applied thereto to the Informer or Discoverer of the Offence, and the other Moiety thereof (the necessary Charges for the Recovery the Informer, of being first deducted) to the Treasurer of his Majesty's Navy Board, Navy or Ordnance, as the Case may be, to be by him applied &c. See § 15. in such Manner as herein before mentioned with respect to the Produce of Barges, Boats, or other Craft seized and sold

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If sufficient Dis-
tress cannot be
found, the Of-
fender may be
committed to
the Common
Gaol, or in lieu
of the Fine may
be kept to hard
Labour in the
House of Cor-
rection for three
Months.

How the Moie-
ties payable to
the Navy Board,
&c. shall be
paid in by the
Justices.

If in lieu of a
Fine the Of-
fender be im-
prisoned, the
Informer shall
receive 5l. Re-
ward from the
Navy Board,
&c. upon Pro-
duction of a
Certificate from
the Commiss-
ioners or Jus-
tices who con-
victed him.

under the Authority of this Act, and to award and issue out his Warrant under his Hand and Seal for levying such Fine so adjudged on the Goods of the Offender or Offenders, and to cause Sale to be made thereof for Payment* of such Fine and the reasonable Charges of Distress, (to be judged of by such Commissioner or Justice respectively,) in case they shall not be redeemed within six Days, rendering to the Party the Over-

plus, if any; and where sufficient Goods of the Party cannot be found to answer the said Fine, to commit the said Offender or Offenders to the Common Gaol of the County, Division, City, Town Corporate, Liberty, or Place, for the Space of three Calendar Months, unless such Fine shall be sooner paid, or in lieu of such Fine, to cause such Offender or Offenders to be imprisoned and kept to hard Labour in the House of Correction for the Space of three Calendar Months, as to such Commissioner or Justice of the Peace respectively shall be thought fit; and every such Commissioner or Justice shall cause the Amount of every such last mentioned Moiety of Fine which he shall so receive, and also the Moiety of every Sum arising from the Sale of any Barge, Boat, or other Craft sold under the Authority of this Act and paid into his Hands as aforesaid, to be paid into the Hands of the said Treasurer of the Navy or Ordnance, within thirty Days after the Expiration of the Year in which such Fines shall be received by him, or in Default thereof such Commissioner or Justice respectively shall forfeit the Sum of fifty Pounds, to be recovered with double Costs of Suit, by any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster, or Court of Exchequer in Scotland, wherein no Essoign, Protection, or Wager of Law, nor more than one Impairment shall be allowed; one Moiety of which last mentioned Fine shall go to his Majesty, his Heirs and Successors, and the other Moiety thereof to him or them who shall sue for the same as aforesaid.

[XIX. Fine of £10 may be mitigated to one Half, besides Expences.]

XX. Provided also, and be it enacted, That in case such Commissioner or Justice of the Peace shall, upon the hearing and determining of such Complaint as aforesaid, adjudge the Offender or Offenders, in lieu of a Fine, to be imprisoned and kept to hard Labour as aforesaid, that then the Informer, or Person or Persons who shall have discovered such Offender or Offenders shall have and receive, as a Reward for such his, her, or their Discovery, the Sum of five Pounds for every such Offence so discovered; and the principal Officers and Commissioners of his Majesty's Navy, Ordnance, or Victualling, as the Case may require, shall cause the said Reward of five Pounds to be paid by the Treasurer of the Navy or Ordnance respectively for the Time being, out of any publick Money in his Hands, upon such Informer or other Person producing to them a Certificate under the Hand and Seal of the Commissioner or Justice of the Peace who shall have convicted such

Offender or Offenders as aforesaid, certifying such Conviction and the Punishment which he hath inflicted upon the Offender or Offenders; and the Name or Names of the Person or Persons who in his Judgment is entitled, and in what Proportion or Proportions^{*} to such Reward; which Certificate the said Commissioner or Justice of the Peace respectively is hereby required to give without Fee or Reward; and the Money paid by any such Treasurer on Account of such last mentioned Rewards shall be allowed in his Accounts, and he shall be discharged thereof accordingly; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding: Provided No summary Proceeding to be had before any Justice without the Consent of the Commissioners &c. &c.

also; That no such summary Proceeding as before mentioned shall be had before any Justice of the Peace under the Authority of this Act, without the Consent in Writing of the principal Officers or Commissioners of his Majesty's Navy, Ordnance, or Victualling for the Time being, or one of them, for that Purpose first had and obtained; and that every Adjudication or Sentence to be had or given without such Consent as aforesaid, shall be null and void to all Intents and Purposes whatsoever.

[XXXI. Persons thinking themselves aggrieved by any Judgment touching Stores under the Value of 20s. may appeal to the Quarter Sessions.]

[XXXII. Convictions shall be made out in the following Form, or to the like Effect:

BE it remembered, That on the Day of in the Year of our Lord A. B. of	Form of Conviction.
in the of was convicted before me C. D.	
one of the Commissioners of his Majesty's [or, one	
of his Majesty's Justices of the Peace for the of	
as the Case may be] for that the said A. B. on the	
Day of now last past, at the of	
in the said of did [here state the Offence	
against the Act] contrary to the Statute in such Case made and provided.	

' Given under my Hand and Seal the Day of
 in the Year of our Lord

Convictions to be returned to the next General Quarter Sessions to be filed,
 and shall not be removed by Certiorari, &c.]

XXXX. And be it further enacted, That if any Person or Witness Persons shall be summoned as a Witness or Witnesses, to give lecting t Evidence before such Commissioner, or Justice or Justices shall for of the Peace, touching any of the Matters relative to this Act, either on the Part of the Prosecutor or the Party or Parties accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Neglect or Refusal, to be allowed by such Commissioner or Justice or Justices of the Peace before whom the Seizure, Complaint, or Prosecution shall be depending, that then every such Person shall forfeit for every such Offence the Sum of ten Pounds, to be recovered

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No. 7. levied, and paid and applied, in such Manner and by such Means as is above directed with respect to Fines on summary Convictions.

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Nothing herein

shall prevent

Parties accused

of selling or re-

ceiving Stores

under the Value

of 20s from

being prosecuted

as Receivers of

stolen Goods, so

as the Offender

be not twice

punished for the

same Offence.

XXIV. Provided always, and it is hereby enacted and declared, That nothing herein-before contained which gives to any Commissioner or Justice of the Peace Power or Authority to hear and determine Offences in a summary Way, shall extend or be deemed, construed, or taken to extend, to prevent the Party or Parties accused of selling or delivering, or of having in his, her, or their Custody, Possession, or Keeping, stolen Goods, so or of receiving or concealing any of the Stores marked as above mentioned, under the Value of twenty Shillings, from being prosecuted as Receivers of stolen Goods under this Act, or for unlawfully having the same in his, her, or their Custody, or concealing the same under the said recited Acts of the ninth and tenth Years of the Reign of King William the Third, the ninth Year of the Reign of King George the First, or the seventeenth Year of the Reign of King George the Second, in any Court of Record, Oyer and Terminer, or otherwise, as they might have been if no such Power or Authority had been given; or to take away from any Person or Court whatsoever any Power, Right, Jurisdiction, Pre-eminence, or Authority, which he or they, or any of them, ought lawfully to have had and enjoyed for the hearing and determining of such Offences, in case no such Power, or Authority to hear and determine the same in a summary Way had been given, so as that the same Person shall not be punished twice for the same Offence.

The Commissioners of the Navy, &c. may sell marked Stores, and the Buyers may keep them, without incurring any Penalty, on producing a Certificate of their having bought them.

XV. And be it further enacted, That the said Commissioners of the Navy, Ordnance, or Victualling, for the Time being, may sell and dispose of any of the Stores aforesaid so marked as aforesaid, as they did or might have done before the making of this Act; and that such Person or Persons as heretofore have or shall hereafter buy any such Stores or other Stores so marked as aforesaid, of the said respective Commissioners, may keep and enjoy the same, without incurring the Penalty of this Act, or any Law to the contrary whatsoever, upon producing a Certificate or Certificates, under the Hand and Seal of three or more of the said Commissioners, that they bought such Goods or Stores from them at any Time before they sold or delivered the same, or before the same were found in their Custody, or a Certificate from such Person or Persons as shall appear to have bought the said Stores from them the said Commissioners, that the Stores so sold or delivered by them, or so found in their Custody, were the Stores or Part of the Stores so bought of the said Commissioners as aforesaid, in which Certificate or Certificates, the Quantities of such Stores shall be expressed, and the Time when and where bought of the said Commissioners, who, or any three or more of them for the Time being, and also the Person or Persons afterwards selling the same, are hereby empowered and directed from Time to Time to give such Certificate to such Person or Persons as shall desire the same, and have bought

and shall hereafter buy any of the aforesaid Stores within thirty Days after the Sale and Delivery thereof.

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XXVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall make, sign, or give any false Certificate, Bill of Parcels, or other Instrument purporting the Identity or the Sale or Disposal of any Goods or Stores as Goods or Stores so purchased of the said Commissioners as aforesaid, or if any Person or Persons shall utter or publish any such false Certificate, Bill of Parcels, or other Instrument purporting as aforesaid, knowing the same to be false, every such Offender, upon Conviction thereof in due Form of Law, shall forfeit the Sum of two hundred Pounds, and be further corporally punished, as by this Act is directed with respect to Persons having in their Possession or concealing his Majesty's Warlike, Naval, or Ordnance Stores, contrary to the said Act of the ninth and tenth Years of King William the Third; one Moiety of which Penalty shall be to his Majesty, his Heirs and Successors, and the other Moiety thereof, with full Costs of Suit, to the Informer, to be recovered in such Manner as the Penalty of two hundred Pounds, inflicted by the said last mentioned Act, is by that Act or any Law now in force, made recoverable.

Penalty Half to the King and Halt to the Informer.

XXVII. And be it further enacted, That in case any Person or Persons shall be sued or prosecuted for or by reason of their seizing any such Stores or Goods as aforesaid, or any and shall prove Barge, Boat, or other Craft in which the same shall have been on the Trial deposited, and upon the Trial of the Issue shall make Proof, that the Stores that such Goods or Stores so seized by him or them, or any if not marked Part thereof, were so marked as aforesaid, or if not so marked, might be suspected to belong to his Majesty, or in to his Majesty, case the Plaintiff or Plaintiffs, in such Action or Suit, shall not or if the at such Trial make good Proof that he or they was or were so employed, or had such Certificate as aforesaid, and that he or he had a Certificate, &c., they did shew such Certificate to the Defendant or Defendants before the Action or Suit was commenced or brought, and that be acquitted. such Defendant or Defendants did not thereupon deliver or offer to deliver back unto the Plaintiff or Plaintiff, at their Request, all such Goods and Stores as aforesaid, and the Barge, Boat, or other Craft (if any) in which the same had been deposited, in as good Plight and Condition as they were at the Time of the Seizure thereof, such Defendant or Defendants shall be acquitted and found not guilty therupon.

[XXVIII. The Commissioners shall have the Benefit given to Justices of the Peace by 7 Jac. I. c. 5; 21 Jac. I. c. 12; and 21 Geo. II. c. 44; and the Peace Officers acting under them shall have the Protection of the said Acts.]

[XXIX. Act to extend to Scotland.]

[XXX. Offenders in Scotland to be tried according to the Forms in Trials for Theft or Reset of Theft.]

[XXXI. Persons accused of Offences in Scotland, for which in England a summary Mode of Trial is established, may be so tried there.]

[XXXII. At whose Instance summary Prosecutions in Scotland shall proceed.]

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[XXXIII. Penalties in Scotland to be applied as in England.]

[XXXIV. In Cases where in England Suits may be instituted in any Court of Record at Westminster, in similar Cases in Scotland they may be instituted in the Court of Exchequer there.]

[XXXV. In Questions in Scotland upon Matters not herein provided for, the Laws there to be observed.]

[XXXVI. If any Person shall forswear himself, he shall be liable to the Penalties of wilful Perjury.]

No. 8.

54 George III. c. 60.—An Act for the better preventing the Embezzlement of His Majesty's Cordage.—
[27th. May 1814.]No. 8.
54 George III
c. 60.Provisions of
9 and 10 W. 3.
c. 41, and 39
and 40 Geo. 3.
c. 89, extended
to Cordage
worked with
Worsted
Threads.

WHÈREAS the Marks usually put to his Majesty's Cordage are frequently taken out of the same for the Purpose of concealing his Majesty's Property therein; and it is expedient that other Marks should be used in his Majesty's Cordage for the Purpose of denoting his Majesty's Property therein; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all and every the Pains, Penalties, Forfeitures, Regulations, Restrictions, Powers, Provisions, Matters and Things, in respect to the making, selling, delivering, receiving, having in Possession, and concealing any Cordage wrought either with a white Thread laid the contrary Way, or with a Twine laid to the contrary Way, mentioned and contained in an Act passed in the ninth and tenth Years of the Reign of King William the Third, intituled "An Act for the better preventing the Embezzlement of his Majesty's Stores of War; and preventing Cheats, Frauds and Abuses in paying Seamen's Wages;" and also in an Act passed in the thirty-ninth and fortieth Years of the Reign of his present Majesty, intituled "An Act for the better preventing the Embezzlement of his Majesty's Naval, Ordnance and Victualling Stores;" or in any other Act or Acts of Parliament; shall extend to the making, selling, delivering, receiving, having in Possession and concealing any Cordage wrought with one or more worsted Threads, as fully and effectually to all Intents and Purposes as if the same several Pains, Penalties, Forfeitures, Regulations, Restrictions, Powers, Provisions, Matters and Things were herein and hereby repeated and re-enacted in respect to such last mentioned Cordage: Provided always, that nothing herein contained shall extend or be construed to extend to repeal any of the Statutes now in force, or any of the Clauses, Matters and Things therein contained, in respect to Cordage wrought either with a white Thread laid the contrary Way, or with a

Proviso.

Twine laid to the contrary Way, but that the same Marks may be continued to be used to denote his Majesty's Property in such Cordage in the same Manner as if this Act had not been passed.

No. 8.

54 George III.

c. 60.

No. 9.

55 George III. c. 127.—An Act to repeal an Act of the fifty-third Year of his present Majesty, for preventing the Embezzlement of Stores; and to extend the Provisions of the several Acts relating to his Majesty's Naval, Ordnance and Victualling Stores, to all other Public Stores—[29th. June, 1815.]

WHEREAS by an Act passed in the ninth and tenth Year of the Reign of King *William* the Third, intituled, “An Act for the better preventing the Embezzlement of his Majesty's Stores of War; and preventing Cheats, Frauds and Abuses in paying Seamen's Wages;” and by another Act passed in the ninth Year of the Reign of King *George* the First, intituled, “An Act for continuing some Laws, and reviving others therein mentioned; for exempting Apothecaries from serving Parish and Ward Offices, and upon Juries, and relating to Jurors; and to the Payment of Seamen's Wages; and the Preservation of Naval Stores of War; and concerning the Militia and Trophy Money; and against clandestine Running of unaccustomed Goods, and for the more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silk with Stuff to be exported;” and by another Act passed in the seventeenth Year of the Reign of King *George* the Second, intituled, “An Act to continue the several Laws therein mentioned for preventing Theft and Rapine on the Northern Borders of *England*; for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violence to the Persons and Properties of his Majesty's Subjects, and for the more speedy bringing the Offenders to Justice: for continuing two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank, and to prevent the malicious cutting Hopbinds; and for the more effectual Punishment of Persons maliciously setting on Fire any Mine, Pit or Delph of Coal, or Cannel Coal; and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding the Keepers or other Officers in Forests, Chases or Parks; and for granting a Liberty to carry Sugars of the Growth, Produce or Manufacture of any of his Majesty's Sugar Colonies in America, from the said Colonies directly to Foreign Parts in Ships built in Great Britain, and navigated according to Law; and to explain two Acts relating to the Prosecution of Offenders for embezzling Naval Stores, or Stores of War; and to prevent the

No. 9.

55 George III.

c. 127.

§ 9 and 10. 3;

c. 41. § 1, 2,

4, 5, 8.

9 G. 1. c. 8.

§ 3, 4.

17 G. 2. c. 40.

§ 10.

No. 9. ' retailing of Wine within either of the Universities in that
 55 George III. ' Part of Great Britain called England without Licence;" and
 c. 127.
 39 and 40 G. 3. ' by another Act, passed in the fortieith Year of the Reign of
 c. 89.
 52 G. 3. c. 12. ' his present Majesty, intituled, " An Act for the better pre-
 venting the Embezzlement of his Majesty's Naval, Ordnance
 and Victualling Stores;" divers Provisions were made for
 preventing the Embezzlement of his Majesty's Naval,
 Ordnance and Victualling Stores: And whereas by ano-
 53 G. 3. c. 126. ' ther Act passed in the fifty-second Year of the Reign of
 His present Majesty, intituled, " An Act for extending the
 Laws for preventing the Embezzlement of his Majesty's
 Naval, Ordnance and Victualling Stores to Ireland;" the said
 recited Acts, so far as the same severally relate to his Ma-
 jesty's Naval, Ordnance and Victualling Stores therein
 respectively mentioned, were extended to Ireland: And
 53 G. 3. c. 126. ' whereas by another Act passed in the fifty-third Year of the
 Reign of his present Majesty, intituled, " An Act to extend
 the Provisions of an Act of the ninth and tenth Year of King
 William the Third, for preventing the Embezzlement of
 Stores of War to all Public Stores;" it was enacted, that the
 said recited Act of the ninth and tenth Year of King William
 the Third should extend to all Public Stores whatsoever: And
 whereas by reason of divers Omissions and Imperfections in
 the said recited Act of the fifty-third Year of the Reign of
 his present Majesty, it is expedient that the same should be
 repealed, and such further Provisions made in lieu thereof as
 hereinafter mentioned; Be it therefore enacted by the King's
 most Excellent Majest, by and with the Advice and Con-
 sent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of
 the same, That, from and after the passing of this Act, the
 53 G. 3. c. 126. ' said recited Act of the fifty-third Year of the Reign of his pre-
 sent Majesty shall be and the same is hereby repealed, to all
 Intents and Purposes whatsoever, except as to any Offence or
 Offences which may have been committed against the said last-
 mentioned Act and the Prosecution and Punishment of any
 Person or Persons for the same.

9 and 10 W. 3. II. And be it further enacted, That, from and after the
 c. 41. § 1, 2, 4. passing of this Act, not only the said recited Act of the ninth
 5. 8. and tenth Year of the Reign of King *William* the Third, but
 also the said several other Acts of the ninth Year of the Reign
 9 G. 1. c. 8. of King *George* the First, the seventeenth Year of the Reign
 § 3, 4. of King *George* the Second, and the fortieith Year of the Reign
 17 G. 2. c. 40. of his present Majesty, hereinbefore recited, so far as the
 § 10. same severally relate to his Majesty's Naval, Ordnance and
 39 and 40 G. 3. c. 89. Victualling Stores therein respectively mentioned, and all
 to extend to all the Pains, Penalties, Forfeitures, Regulations, Restrictions,
 Public Stores, Powers, Provisions, Clauses, Matters and Things therein re-
 and to all Per- spective contained, relating to his Majesty's Naval, Ordnance
 sons intermed- and Victualling Stores therein respectively mentioned, shall
 dling therewith not authorized. extend and be construed to extend to all Public Stores what-
 soever under the Care, Superintendance or Control of any

Officer or Person in the Service of his Majesty, his Heirs or Successors, or employed in any Public Department or Office, either marked with the Marks or any of them in the said recited Acts or any of them specified, or with the Broad Arrow, and the Letters B. O., or with a Crown and the Broad Arrow, or with his Majesty's Arms, or with the Letters G. R., to denote the Property of his Majesty, his Heirs or Successors, therein, and to all and every Person and Persons, not authorised by the proper Officer or Officers, Person or Persons in his Majesty's Service, in that behalf so to do, using any such Marks or making any Goods marked with such Marks, or any of them, and to all and every Person and Persons in whose Custody, Possession or Keeping any such Public Stores so marked as aforesaid shall be found, or who shall willingly or knowingly receive or have in his, her or their Custody, Possession or Keeping, or who shall conceal any such Public Stores so marked as aforesaid, unless such Person or Persons shall upon his, her or their Trial produce a Certificate or Certificates under the Hand or Hands of the proper Officer or Officers, Persons or Person in his Majesty's Service authorised to grant the same, of such and the like Nature as the Certificate in the said recited Acts of the ninth and tenth Year of the Reign of King *William* the Third, and fortieth Year of the Reign of ^{9 & 10 W. 3.}
 his present Majesty mentioned, and to all and every Person ^{c. 41. § 2.}
 and Persons who shall wilfully and fraudulently destroy, beat ^{39 & 40 G. 3.}
 out, take out, cut out, deface, obliterate or erase, wholly or in part, any of the said Marks, or cause, procure, employ or direct any other Persons or Person so to do, for the Purpose of concealing the Property of his Majesty, his Heirs or Successors, therein, as fully and effectually, to all Intents and Purposes, as if all the same several Pains, Penalties, Forfeitures, Regulations, Restrictions, Powers, Provisions, Clauses, Matters and Things, in the said several Acts contained, so far as the same severally relate to his Majesty's Naval, Ordnance and Victualling Stores, and the Punishment of Persons offending in manner therein mentioned, were herein and hereby severally repeated and re-enacted in respect to all other Public Stores whatsoever.

No. 9.
 George III.
 c. 127.

PART V. CLASS XI.

FALSE PRETENCES.

No. 1.

33 Henry VIII. c. 1.—A Bill against them that counterfeit Letters or privy Tokens to receive Money or Goods in other Men's Names.

No. 1. FORASMUCH as many light and evil-disposed Persons, ^{33 Henry VIII. c. 1.} not minding to get their Livings by Truth, according to the Laws of this Realm, but compassing and devising daily how they may unlawfully obtain and get into their Hands and Possession Goods, Cattels, and Jewels of other Persons, for the Maintenance of their unthrifty Living, and also knowing that if they come to any of the same Goods, Cattels and Jewels by Stealth, that then they, being thereof lawfully convicted according to the Laws of this Realm, shall die therefore; have now of late falsely and deceitfully contrived, devised and imagined privy Tokens, and counterfeit Letters in other Men's Names, unto divers Persons their special Friends and Acquaintances, for the obtaining of Money, Goods, Cattels and Jewels of the same Persons, their Friends and Acquaintances, by Colour whereof the said light and evil-disposed Persons have deceitfully and unlawfully obtained and gotten great Substance of Money, Goods, Cattels and Jewels into their Hands and Possession, contrary to Right and Conscience: (1.)

II. For Reformation whereof, be it ordained and enacted by Authority of this present Parliament, That if any Person or Persons, of what Estate or Degree soever he or they be, at any Time after the first Day of April next coming, falsely and deceitfully obtain or get into his or their Hands or Possession, any Money, Goods, Cattels, Jewels, or other Things of any

(1.) It has been sometimes said, that this Act was made only in Affirmance of the Common Law, which is agreed to be true as to counterfeit Letters; and it is also agreed, that Cheats, by Means of false Tokens of a public Nature, were an Offence at Common Law; but the cheating by false privy Tokens, seems to be a newly-created Offence. See the Observations upon this Subject, E. P. C. ch. 18, § 9.

other Person or Persons, by Colour and Means of any such false (2.) Token or counterfeit Letter made in any other Man's Name, (3.) as is aforesaid, that then every Person and Persons so offending, and being thereof lawfully convict, by Witnesses taken before the Lord Chancellor of *Englund* for the Time being, or by Examination of Witnesses, or Confession taken in the Star-Chamber at *Westminster* before the King's most honourable Council, or before the Justices of Assise in their Circuits for the Time being, or before the Justices of Peace within any Part of the King's Dominions in their general Sessions, or by Action in any of the King's Courts of Record, shall have and suffer such Correction and Punishment, by Imprisonment of his Body, setting upon the Pillory, or otherwise by any Corporal Pain (except Pains of Death) as shall be unto him or them limited, adjudged, or appointed by the Person or Persons before whom he shall be so convict of the said Offences, or of any of them.

III. And be it further enacted by the Authority aforesaid, That as well the Justices of Assise for the Time being, as also two Justices of Peace in every County, whereof the one to be of the *Quorum*, shall have full Power and Authority to call and convene, by Process or otherwise, to the said Assises or General Sessions, any Person or Persons being suspected of any of the Offences aforesaid, and to commit him or them to Ward, or to let him or them to Bail, till the next Assises or General Sessions, there to be examined, and further to be ordered by their Discretions, as is aboveaid.

IV. Provided always, and be it further enacted by Authority aforesaid, That Justices of the Peace within every City, Borough, Town and Franchise within this Realm, or other the King's Dominions, shall have like Jurisdiction, Power and Authority, at their General Sessions and otherwise, to do and execute all and every Thing and Things in all Points, as other Justices of the Assises in their Circuits, or Justices of the Peace in the Counties, by virtue of this Act, be limited and appointed to do and execute, for the Punishment and Correction of like Offenders, as by this foresaid Act is specified and declared: Saving to the Party grieved by such Deceit, such Kemedy by way of Action or otherwise, of and for the same Money, the Goods, Cattells, Jewels or other Things so obtained, as he might have had if this Act had never been had ne made; any Thing in the same contained to the contrary in any wise notwithstanding,

V. Provided always, and be it further enacted by the Authority aforesaid, That the King's Highness Council of his Town of *Calice*, or three of them for the Time being, shall have such and like Authority for the Examination, Bailement

(2.) This, by Reference to the Preamble, means privy Taken; which means a Key, a Ring, &c. or some other real visible Mark or Thing, and not a mere false Affirmation or Promise; *R. v. Murez*, 2 *Sir. 1127.*

(3.) A Draft in the Defendant's own Name, upon a Banker on whom be had no Authority to draw, is not within the Act; *R. v. Lava*, 6 *T. R. 565.*

No. 1. and Punishment of such Offender or Offenders, and for such
 33 Henry VIII. Offences hereafter to be committed and done within the Town
 c. 1. and Marches of Calice, and County of Guisnes, as the aforesaid
 Justices of Assise or Justices of Peace have by Force of this
 Act within their Jurisdictions and Authorities.

No. 2.

P. 30 George II. c. 24.—An Act for the more effectual Pun-
 nishment of Persons who shall attain, or attempt to attain,
 Possession of Goods or Money, by false or untrue Pretences;
 for preventing the unlawful pawning of Goods; for
 the easy Redemption of Goods pawned; and for
 preventing Gaming in Publick Houses by Journey-
 men, Labourers, Servants and Apprentices.*

No. 2.
 30 George II. c. 24.
 No Certiorari lies on this stat.
 Persons con-
 victed of obtain-
 ing Money, &c.
 by false Pre-
 tences, &c.

WHEREAS divers evil-disposed Persons, to support their profligate Way of Life, have by various subtle Stratagems, Threats and Devices, fraudulently obtained divers Sums of Money, Goods, Wares and Merchandizes, to the great Injury of industrious Families, and to the manifest Prejudice of Trade and Credit; Therefore for the punishing all such Offenders, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-ninth Day of September one thousand seven hundred and fifty-seven, all Persons who knowingly and designedly, by false Pretence or Pretences, (1.)

* Sections 3 to 13, inclusive, relate to Pawnbrokers, and have been superseded by later Statutes. Sections 14 and 15, to Gaming in Public Houses, for which see Pt. VI. Cl. I.; where see also Sect. 16. Sections 18, 19, and 21 relate to summary Proceedings under the other Branches of the Act. Section 23 to the Protection of Justices and Peace Officers acting in Execution of the Act.

(1.) A Pretence that the Defendant had laid a Wager upon a Race to be afterwards run, and obtaining twenty Guineas as part of the Bet, when in Truth no such Bet had been made, ruled to be within the Act, although objected that the Representation related to a future Transaction, respecting which Enquiry might be made. Lord Kenyon—"The Statute extends to every Case where a Party obtains Money by falsely representing himself to be in a Situation in which he was not; or by falsely representing any Occurrence that had not happened, to which Persons of ordinary Caution might give Credit." Buller J. mentioned a Case before himself and Moreton C. J. at Chester, where the Defendant was convicted for pretending that he had been employed by the Duke de Lauzun to take some Horses from Ireland to London, and that he had been detained by contrary Winds till his Money was all spent; R. v. Young and others, 3 T. R. 98. A Foreman supplied weekly with Money to pay the other Workmen their Wages, upon delivering to the Clerk an Account of the Money earned, delivering in an Account in the Words following—"9th. September, 1796, Shearmen £4 11s." and it appearing that he made false entries in a Book kept by him, of Persons employed, so as to make up the Sum stated, was ruled by all the Judges to be guilty within the Act, as he would not have obtained the Credit but by the false

shall obtain from any Person or Persons, Money, Goods, Wares or Merchandizes, with Intent to cheat or defraud any Person or Persons of the same; or shall knowingly send or deliver any Letter or Writing, with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening (2.) to accuse any Person of any Crime punishable by Law with Death, Transportation, Pillory, or any other infamous Punishment, with a View or Intent to extort or gain Money, (3.) Goods, Wares or Merchandizes, from the Person or Persons so threatened to be accused, shall be deemed Offenders against Law and the Publick Peace; and the Court before whom such Offender or Offenders shall be tried, shall in case he, she or they shall be

No. 2.
30 George II.
c. 24.

may be punished
ed by Fine and
Imprisonment,
or by Pillory,
&c.

Account delivered in; *Witchell's Case*, 1798, E. P. C. ch. 18. § 8. A Carrier who had received Goods under Pretence of carrying them, and pretending that he had carried and delivered them, ruled to be within the Act; *R. v. Airey*, 2 East, 30. In *R. v. Jackson*, 3 Camp. 370. Bailey J. said it had been recently held by the Judges, that it was an *ind estab'e* Offence fraudulently to obtain Goods, by giving in Payment a Cheque upon a Banker with whom the Party keeps no Cash, and which he knows will not be paid; and the Prisoner was upon such Fraud convicted, and sentenced to be transported. It is not sufficient to charge the obtaining by false Pretences, without shewing what such Pretences were; *R. v. Mason*, 2 T. R. 581. It is sufficient to state, that the Defendant pretended—by means of which false Pretence he obtained—and then to negative the Truth of the Pretences; *R. v. Airey*, ub. supra. It is not sufficient to alledge, that he falsely pretended, and, by Means of such false Pretence, obtained, without expressly negativing the Truth of the Pretences by special Averment; and all the Judges held that the Averment of the Falsehood of Pretences, must be made with the same Particularity as in Case of an Indictment for Forgery; *R. v. Perrott*, 2 M. and S. 379. The effect of this Decision would seem not to be confined to the mere Form of the Indictment; for if the Assignment of Falsehood must be made with the same Particularity as in an Indictment for Forgery, it would apparently follow, that there must be the same Particularity in the original Pretence, which is requisite in a judicial Proceeding; the Sufficiency or Insufficiency of which is often determined upon the Evidence of its containing so distinct an Assertion, as to admit of Forgery being assigned thereon; whereas in the Cheats intended to be guarded against by the present Act, a great deal more is often understood than is positively expressed: for instance, to advert to *Jackson's Case*, supra, there is no express and formal Statement made by a Person drawing a Bill, that he has Cash in the Hands of the Drawee; but the mere Act of drawing the Bill is considered as amounting to such a Pretence: whereas in case of Forgery, no Indictment can be supported upon the mere Understanding arising from any Understanding or Inferences, without there being in Fact, as well as in Allegation, an express and direct Assertion of the Facts charged to have been falsely sworn; in which Respect there is a Failure of that Analogy between the respective Cases, which, in the Case of the King *v. Perrott*, seems to have been taken for granted as deciding the Law.

(2.) This Act does not repeal the Provisions respecting threatening Letters, by 9 Geo. I. c. 22. ante, Class VI. No. 35. See Note (14.) *ibid.*; but the Judges were of Opinion that an Indictment could not be supported on this Act, if there was a Demand; *Robinson's Case*, Leach, Ca. 294.

(3.) A Letter written with Intent to procure the delivering up of a Promissory Note of the Defendant, does not support an Indictment charging an Intent to extort Money; *R. v. Major*, Leach, Ca. 297; E. P. C. ch. 29. § 9.

No. 2.
30 George II.
c. 24.

convicted of any of the said Offences, order such Offender or Offenders to be fined and imprisoned, or to be put in the Pillory, or publickly whipped, or to be transported, as soon as conveniently may be (according to the Laws made for Transportation of Felons) to some of his Majesty's Colonies or Plantations in *America*, for the Term of seven Years, as the Court in which any such Offender or Offenders shall be convicted shall think fit and order.

Justices to en-
dure therein,

and to bind
over the Com-
plainant.

Recognizance
in proportion to
the Fraud.

Offenders not
admitted to
Bail, till No-
tice, &c.

II. And be it further enacted by the Authority aforesaid, That any Justice or Justices of the Peace of the County, Riding, Division, City, Liberty or Place, before whom any Person or Persons charged on Oath, by any credible Person or Persons, with having committed any of the Offences intended by this Act to be punished, shall be brought, shall examine by Oath (which Oath every such Justice or Justices is and are hereby empowered and required to administer) and such other lawful Means as to any such Justice or Justices shall seem meet, touching the Matters complained of, and deal with the Offender or Offenders according to Law; and if the Party or Parties charged as being the Offender or Offenders, shall be committed to Prison, or be admitted to Bail, to answer the Matters complained of at the next General or Quarter-Sessions of the Peace, or next Sessions of *Oyer and Terminer*, which shall be held for the County, Riding, Division, City, Liberty or Place wherein the Offence shall be charged on Oath to have been committed, then such Justice or Justices shall bind over the Prosecutor and Prosecutors of every such Offender and Offenders to appear at the next General or Quarter Sessions of the Peace, or next Sessions of *Oyer and Terminer* which shall be held for the County, Riding, Division, City, Liberty or Place wherein the Offence shall be charged to have been committed, by Recognizance, in such reasonable Sum of Money as to such Justice or Justices shall seem requisite, to prosecute such Offender and Offenders with Effect; and if any Money, Goods, Wares or Merchandizes fraudulently obtained, shall appear to such Justice or Justices to exceed the Amount or Value of twenty Pounds, then the Recognizance to be taken in that Behalf from the Prosecutor or Prosecutors, shall be in not less than double the Amount or Value the same shall appear before any such Justice or Justices to be worth.

XVII. And be it further enacted by the Authority aforesaid, That no Persons charged on Oath with being guilty of any of the Offences punishable by this Act, and which shall require Bail, shall be admitted to Bail before twenty-four Hours Notice, at least, shall be proved by Oath to have been given in Writing to the Prosecutor, of the Names and Places of Abode of the Persons proposed to be Bail for any such Offender or Offenders, unless the Bail offered shall be well known to the Justice or Justices, and he and they shall approve of them; and every such Offender and Offenders, who shall be bound over to the General Quarter Sessions of the Peace, or

Gaol Delivery, of the County, City, or Town wherein the Offence charged on him shall have been committed, to answer any such Offences punishable by this Act, shall be tried at such General Quarter Sessions of the Peace, or Sessions of *Oyer and Terminer* and Gaol Delivery which shall be held next after his, her, or their being apprehended, unless the Court shall think fit to put off the Trial on just Cause made out to them.

No. 2.
30 George II.
c. 24.

XX. And be it further enacted by the Authority aforesaid, *Certiorari*, That no *Certiorari* shall be granted to remove any Indictment, Conviction or other Proceedings had thereon in pursuance of this Act. (1.)

(1.) There can be no *Certiorari* on an Indictment for obtaining Money, &c. by false Pretences, on Affidavit that the Party cannot have an impartial Trial. It was urged that the section is confined to Offences created by Section 14; but the Court said, that there did not appear to be any Reason, from the Nature of the Subject, why it should relate to one Part more than another; *R. v. Young*, 2 T. R. 472.

No. 3.

52 George III. c. 64. An Act for extending the Provisions of an Act of the thirtieth Year of King George the Second, against Persons obtaining Money by false Pretences, to Persons so obtaining Bonds and other Securities.—[9th. June 1812.]

WHEREAS by an Act passed in the thirtieth Year of his late Majesty, intituled "An Act for the more effectual Punishment of Persons who shall attain or attempt to attain Possession of Goods or Money by false or untrue Pretences, for preventing the unlawful pawning of Goods, for the easy Redemption of Goods pawned, and for preventing of Gaming in Public Houses by Journeymen, Labourers, Servants and Apprentices," it was enacted, That all Persons who knowingly and designedly, by false Pretence or Pretences, should obtain from any Person or Persons, Money, Goods, Wares or Merchandizes, with Intent to cheat or defraud any Person or Persons of the same, or should knowingly send or deliver any Letter or Writing with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, Pillory, or any other infamis Punishment, with a View or Intent to extort or gain Money, Goods, Wares or Merchandizes from the Person or Persons so threatened to be accused; should be deemed Offenders against Law and the public Peace; and the Court before whom such Offender or Offenders should be tried, should in case he, she or they should be convicted of any of the said Offences, order such Offender or Offenders to be fined and imprisoned, or to be put in the Pillory, or publicly whipped, or to be transported

No. 3.
52 George III.
c. 64.

30 G. 2. c. 24.
§ 1.

No. 3. * as soon as conveniently might be according to the Laws made for Transportation of Felons, to some of his Majesty's Colonies or Plantations in America, for the Term of seven Years, as the Court in which any such Offender or Offenders should be convicted should think fit and order: And whereas it is expedient that the Provisions of the said Act should be further extended in the Manner hereinafter mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, all Persons who knowingly and designedly, by false Pretence or Pretences, shall obtain from any Person or Persons, or from any Body Politic or Corporate, any Money, Goods, Wares or Merchandizes, or any Bond, Bill of Exchange, Bank Note, Promissory Note, or other Security for the Payment of Money, or any Warrant or Order for the Payment of Money or Delivery or Transfer of Goods or other valuable Thing, with Intent to cheat or defraud any Person or Persons, or any Body Politic or Corporate of the same; or shall knowingly send or deliver any Letter or Writing with or without a Name or Names subscribed thereto, or signed with a fictitious Name or Names, Letter or Letters, threatening to accuse any Person of any Crime punishable by Law with Death, Transportation, Pillory or any other infamous Punishment, with a View or Intent to extort or gain any Bond, Bill of Exchange, Bank Note, Promissory Note or other Security for the Payment of Money, or any Warrant or Order for the Payment of Money, or Delivery or Transfer of Goods or other valuable Thing, shall be deemed Offenders against Law and the public Peace, and shall be liable to be prosecuted and punished in like Manner as if they had knowingly and designedly, by false Pretence or Pretences, obtained Money, Goods, Wares or Merchandizes, from any Person or Persons, with Intent to cheat or defraud any Person or Persons of the same, or had sent or delivered such Letter or Writing with a View or Intent to extort Money, Goods, Wares or Merchandizes, from the Person or Persons so threatened.

**Obtaining by
false Pretences or
Money, &c. or
Securities.**

**Sending threat-
ening Letters to
accuse Persons
of having com-
mitted Crimes
with an Intent
to extort or gain
Money or
Goods.**

PART V. CLASS XII.

FORGERY.*

* The following general View of the Construction and Operation of the several modern Statutes respecting Forgery is principally abridged from East's Pleas of the Crown, ch. 19. The Points arising upon particular Statutes included in the Collection will also be noted in the proper Places to which they respectively belong.

In discussing the Question, How far the Validity in Law of the Thing forged, supposing it was true, is essential to Forgery? Sir E. H. East (referring to Hawkins, ch. 70, § 7) observes, that it is said to be no way material, whether a forged Instrument be made in such a Manner as, if it were true, it would be of any Validity, or not; and adds, that he conceives this must be understood, when the false Instrument carries on the Face of it the Semblance of that for which it is counterfeited, and is not illegal in its very Frame; and proceeds to notice the Case of Deakins, 1 Sid. 142. for forging a Protection in the Name of one as being M. P. who was not so; of Japhet Crooke, 2 Str. 901. Fitzg. 57, 261. (indicted upon 5 Eliz.) for forging a Conveyance of Lands by a false Description, and sufficient, if genuine, to pass such Lands; and of Coogan, 2 Leach, Ca. 208. and Ball, MSS., and of Murphy and Stirling, therein cited, for forging the Wills of Persons not dead. The same Observation applies to forging the Names of fictitious Persons, § 43.

It is sufficient to constitute a Forgery, if there is such a Degree of Similitude as will impose upon Persons not having particular Experience in such Matters; as where a Person from the Bank said that he could not have been imposed upon by the Counterfeit; but it appeared that others had been deceived, though the Counterfeits were very ill executed; R. v. Hood, before Le Blanc J., East, 1802. So where the forged Bank Note had no Watermark; Elliott's Case, 1777. Leach, Ca. 90, (East, § 44). But Query, Whether there is any Case where the mere Unskilfulness of the Execution, however great, will excuse a Forgery, complete as to the Terms and Language of the Instrument, and committed with a felonious Intent? If the Instrument forged is not in its Terms such as the Indictment charges it to be, the Case is not supported; as where an Instrument, stated in the Indictment as purporting to be a Bank Note, was a Promise to pay for Self and Company of my Bank in England; Jones's Case, Leach, Ca. 103. Doug. 302. But a Mistake in framing the Instrument itself will not excuse, as where a forged Will commenced "I Peter Perry," and was signed John Perry; Fitzgerald's Case, Leach, Ca. 9.

Forgery of a Will, purporting to be a Devise of Land, attested only by two Witnesses, not sufficient, without its appearing that there was only a Chattel Interest; Watt's Case, 1800. So of a Bill of Exchange for less than £ 5, not attested by a subscribing Witness, or having the other Requisites of 17 Geo. III. c. 30. (See ante Pt. III. Cl. IV. No. 3.) Secus as to the Want of a Stamp; Hawkeswood's Case, Leach, Ca. 129; Martin's Case, MSS. Jud.; or as to a collateral Objection, as when an Order for Payment of Prize-money bore Date when the Seaman was within seven Miles of the

Port of Discharge, and would therefore be void by 32 Geo. III. ch. 34, § 2; Mc Intosh's Case, 1800, MSS. Jud. (§ 45).

With respect to the Name in which the Forgery is committed, it is now settled that the Use of a fictitious Name is a Forgery, as well as the Assumption of the Name of an existing Person. This was determined in the Case of Aaron Lewis, O. B. 1754, for forging a Deed purporting to be a Warrant of Attorney from Elizabeth Tough, *Administratrix of R. Tough, deceased*, to receive Prize-money; there being no such Person as Elizabeth Tough in Existence; Fuster, C. L. 116. So in the Case of Bolland, (1772) who, having indorsed a real Note in his own Name, was told by *Jessett*, the Person employed to negotiate it, that he should not be able to indorse it with his (Bolland's) Name. [Bolland was a well-known Character as a Sheriff's Officer.] Upon which he said he would take his Name off, and another Person began erasing it, and the Name being erased except the Letter B, the Prisoner said—"Don't scratch it all out: it may disfigure or cancel the Note. I will think of some other Name that begins with a B." And immediately made the Name Banks, and directed *Jessett* to say that Banks kept a Public House in Rathbone Place. So in Leckett's Case, 1772, Leach, Ca. 53, where the Prisoner gave a Draft on a Banking House in a fictitious Name. It is also agreed to be immaterial whether the Prisoner gained any additional Credit by using the false Name; as where a Person offered to discount a Bill which had been stolen, and the Clerk offered to discount it if the Prisoner would indorse it, that being the invariable Rule of the House, and the Prisoner indorsed a fictitious Name—all the Judges were of Opinion that the Case amounted to Forgery; for though the fictitious Signature was not necessary to the obtaining of the Money, and the Intent in writing the false Name was only to conceal through whose Hands the Bill had passed, yet it was a Fraud both on the Owner and the Person discounting; as the one lost the Chance of tracing it, and the other the Benefit of a real Indorser; Taft's Case, Leach, Ca. 88; E. P. C. ch. 19, § 46.

So where a Person who, by some Means which did not appear, had obtained a Bill indorsed in blank, prevailed on the Drawee to pay it, upon being allowed Discount, a few Days before it became due, and indorsed a Receipt in a fictitious Name; although it was objected that the Receipt was unnecessary, the Possession of the Bill being a sufficient Discharge to the Payer, which was not strengthened by the Words written by the Prisoner; and consequently the Act of the Prisoner was of no Effect; Taylor's Case, Leach, Ca. 106; E. P. C. ch. 19, § 46. And in Shepherd's Case, 1781, the Prisoner was convicted of Forgery, in drawing, in a fictitious Name, upon a Bank which had no Account with any Person of the Name assumed; Leach, Ca. 113; E. P. C. ch. 19, § 50.

In the Case of Eliz. Dunn, 1765, the Prisoner, calling herself Mary Wallace, and pretending to be the Widow of John Wallace, a Seaman, deceased, applied to Harper, (a Prize Agent) to advance her Money to pay the Fees of her Husband's Will. She returned with a Probate, and produced a Certificate that she was the Mary Wallace named in the Will, and put her Mark to a Promissory Note for the Money lent, directing the Prosecutor to write the Name Mary Wallace. Judgment was respite on a Doubt whether, as the Note, though made by the Prisoner in an assumed Name, was her own Note, made and offered as her own, and not as the Note of another in Contradistinction to herself, the Offence amounted to a Forgery; which nine Judges, dissentient Aston, (two being absent) held that it did; Leach, Ca. 32; East, § 49. In the Opinion of the Judges, as stated in Leach, it seems to be assumed, (contrary to the express Determination in subsequent Cases) that a Person borrowing Money upon his own Note, and merely assuming a fictitious Name without any Relation to a different Person, is not guilty of Forgery; "for (it is said) there the whole Credit is given to the Party himself: the latter accepted the Security of that Person only; he has no other Remedy in view but merely against the Man he is dealing with, and the Security itself is really and truly the Instrument of the Party whose Act it purports to be, however subscribed by a fictitious Name: he has therefore a Remedy upon it against the Person on whose Credit he took it, and consequently is not substantially defrauded." The Case, as warranting a Conviction, is put upon the Footing of the Prisoner assuming the Character of Executrix of Wallace, a real Person, actually entitled to Wages. The Judges also referred to the

Authority of the above-mentioned Case of Aaron Lewis, where there had been such a Person as Richard Tough, who was really entitled to the Prize-money which it was the Object of the Forgery to obtain. Sir E. H. East, in referring to the Case upon the Authority of MS. (being the Notes of Mr. Justice Yates, interleaved in the Summary of Hale's Pleas of the Crown), states the following Principles as laid down in the Case:—1st. That if a Person give a Note or other Security as his own Note or Security, and the Credit thereupon be personal to himself, without any Relation to another, his signing such a Note with a fictitious Name may indeed be a Cheat, but will not amount to Forgery; for in that Case it is really the Instrument of the Party whose Act it purports to be, and the Creditor had no other Security in View. But 2d. If a Note had been given in the Name of another Person either really existing or represented so to be, and in that Light to obtain a superior Credit, or induce a Trust which would not have been given to the Party himself, it is then a false Instrument, and punishable as Forgery. 3d. That the Law would be the same, though the Note or Security was thus falsely subscribed in the Presence of him who lent his Money upon it, if the Impostor and the Party whose Name is made use of were both Strangers to him; for then he would not know that such Impostor was not really the Person whose Name he assumed, and therefore he would be equally deceived. Sir E. H. East, having cited this Passage, says—“How far the first Proposition above laid down is to be taken in its utmost Latitude, has been the Subject of much Difference of Opinion, which he should proceed to consider, pursuing the Subject by Steps.”

I apprehend, however, that the subsequent Examination is beside the Question agitated in the Case of Eliz. Dunn; the real Question in that Case being, Whether the signing a Name by the Prisoner, not her own, in the Presence of the Person intended to be defrauded, was to be deemed Forgery, when the false Name was used with Reference to the real Name of a deceased Person, who had an actual Right to certain Property, in respect of which the Fraud was intended to be committed? there having at that Time been no Decision that the mere Signature of a fictitious Name to a given Instrument, without more, was sufficient to constitute that Offence; and the Object of the Observation was to distinguish the particular Case in which the Name falsely assumed had Relation to a really existing Character from that of the same fictitious Signature, unaccompanied by special Circumstances. The general Proposition, that the Use of a mere fictitious Name was in itself sufficient to constitute Forgery, was first established in Bolland's Case, before which Time it would certainly have admitted of very serious Doubt; and the contrary, as already observed, is taken for granted in the Case last examined. But after the other Authorities, by which it is completely settled that such a Case was within the Acts respecting Forgery, it would have been quite sufficient to have shewn that the Prisoner, with a fraudulent Intent, signed a Promissory Note in the Name of Mary Wallace; and it would have been perfectly unnecessary to resort to the additional Circumstance of the fraudulent Object being to obtain Credit in respect of Money actually due to the deceased, John Wallace, of whom Mary was falsely alledged to be the Representative.

A Person may be guilty of Forgery in signing his own Name, by assuming to be a different Person of the same Name; as when a Bill of Exchange, payable to J. S. came into the Hands of a Person bearing that Name, who, knowing that he is not the Person intended as Payee, indorses it. So in any other Case, where the Instrument imports to be that of a particular Individual, different from the Person by whom it is subscribed. See *Mead v. Young*, 4 T. R. 28. In the Case of *Parkes v. Brown*, 1796, it was held by the Judges, that a Note dated Rington, Salop, payable at Messrs. D. T. and Co.'s, Bankers, London, and signed Thos. Brown (the Name of one of the Prisoners), was a Forgery, although no particular Person of that Name was intended to be represented. The Ground of the Judgment was, that the Person in whose Name the Note was made was, according to the Description in the Note, resident at Rington, and it import'd that he was a Correspondent of D. T. and Co., and had Money in their Hands; and he was also represented as a Brother of the Prisoner; but no such Person of that Name and Description did exist.

This Case, although supported by the highest Authority, has always appeared to me to rest upon very questionable Principles. As to the last Ground stated, of a false Representation in passing the Note, it is clear that, unless the Instrument was a Forgery in its Inception, it could not be made so by subsequent Representation; and in Hevey's Case, E. P. C. ch. 19, § 5; Leach, Case 115, when an Instrument was in the Name of M'Carty, and it was found by the Jury to have been made by a Person of that Name, the false Representation of the Prisoner, that he was the Person so named, was ruled not to support an Indictment for Forgery. It surely cannot be said that drawing a Bill upon a House with which the Drawer has no Account, or making a Note payable at a House where he has no Effects, can be considered a Forgery; and the only remaining Question is, whether dating it at a Place different from the Residence of the Person signing is sufficient to make it such. In a Case at Lancaster, about the Year 1807, before Chambre J. where a Bill by the Prisoner, D. Walker (who was a Pauper at Manchester), was dated Liverpool, signed D. Walker and Co. and drawn on Devaynes and Co. London, it appeared that similar Bills had been before drawn in the same Manner, and being provided for before due, had been regularly paid, although the Drawer was unknown to the House, the above Case was cited as an Authority; but the learned Judge ruled that the Evidence was not sufficient to go to the Jury.

In the Case of Aickles, 1787, Leach, Ca. 202; E. P. C. ch. 19, § 50, the Prisoner had taken a House in the Name of Mason, in which Name he drew the Bill alledged to be forged, and the Jury expressly found that he assumed the Name for the Purpose of committing the particular Fraud, there was a Difference of Opinion amongst the Judges; and, by Mistake, Mr. J. Ashurst gave Judgment at the O. B. that it was not a Forgery; conceiving that it had been so decided. But it may be difficult to admit that the Case involved any real Ground of Doubt, when the specific fraudulent Intention was expressly found, and the taking the House was only a Part of the Machinery of the Fraud. It was observed by Gould J.—“that he made the Note in the Name of another, as if his own, and clearly with Intent to defraud. Whether there existed a Person of that Name or not was immaterial: the Felony consisted in the Intent to defraud under the Falsity. One might assume a feigned Name, and make a Draft in it, and yet innocently, as if he concealed himself to avoid Arrest, and appointed his Friend, on whom he drew, to pay his Bills; or, giving Notes, took Care to pay them when due; but the Prisoner, having no such Intention, but, on the contrary, to defraud the Party by making the Note under such disguised Name, by which, after he left the Place of Concealment, he could not be traced, the Case amounted to Forgery.” Sir E. H. East comments upon this Case at length, and says, that he cannot help suspecting that much of the Difficulty in those Cases arises from mistaking Matters of Fact for Matters of Law, and confounding the two together. And this seems to be the true View of the Case; for if the Use of the assumed Name is intended to commit a Fraud in the particular Instance, there is no Reason for not treating it as a Forgery, although that may only be Part of a more general System of Fraud, which such Assumption is intended to carry into effect. In the Case of Hadfield, at Carlisle, 1803, the Prisoner had appeared in the Neighbourhood of the Lakes in Cumberland, pretending to be the Honble. Alexander Augustus Hope, Brother of the Earl of Hopetoun, and in that Name induced a young Woman to marry him, and imposed upon several Persons in the Neighbourhood. During his Residence he drew the Bill in Question, upon a Gentleman to whom he was known by that Name, which probably would have been paid, if the grand Deception had not in the mean Time been discovered. For this Forgery he was convicted and executed; but a material Ingredient in the Case was his assuming the Name and Character of a really existing Person.

The Indictment must set out the forged Instrument in Words and Figures; and it is not sufficient to state the Purport of it; Mason's Case, E. P. C. ch. 19, § 53. It is sufficient to charge the Prisoner with forging a given Instrument, as follows; setting out the Tenor; R. v. Powell. 2 Bl. Rep. 787; and this is now the constant Form of the Indictments preferred on the Part of the Bank of England. But the setting out the Act forged is not in all Cases sufficient, as it may be necessary to shew, by Relation to some other Subject, that the Forgery is of one of the Instruments mentioned in the

Statutes. In Hunter's Case, E. P. C. ch. 19. § 36; Leach, Ca. 273. the Indictment stated that the Prisoner, being in Possession of a Navy Bill, (which was set forth) forged a Receipt as follows, viz. "Wm. Thornton;" which was holden to be not sufficient; though the Name, coupled with the Navy Bill, might together form a Receipt: but then it ought to be so stated, as in a Case referred to in C. C. C. wherein it was stated that the Prisoner, H. P. having in his Custody a certain Warrant (particularly mentioned) for Payment of £8 to W. D. on the Back of which Warrant W. D. had signed his Name, which said Warrant, together with the said Indorsement, did purport to be a Receipt under the Hand of the said W. D. for the said Sum of £8, the said H. P. did feloniously alter, &c. In Testick's Case, E. P. C. ch. 19. § 36. the Indictment charged the forging a Receipt for Money, as follows: "Received the Contents above, by me, S. W." which was held sufficient, without setting out the Account to which the Receipt was subjoined.

Where the Indictment contained the word *received* instead of *receiv'd.* in the Instrument produced, the Variation was held to be not material, as it did not change the Word. The Question was said to be as to the Word; not the Letter; unless by Addition, Omission, or Alteration it becomes another Word. Hart's Case, MS. Crown Cas. Res. 57; E. P. C. ch. 19. § 54; Leach Ca. 78.

An Indictment for forging an Instrument is supported by proving an Alteration in any material Part, as by changing a Figue, or altering the Sum in Letters; Dawson's Case, 3 Geo. I.; 1 Str. 19; Teague's Case, 1802; E. P. C. ch. 19. § 55. But it is more usual, at least in one Count, to lay the Forgery as an Alteration, specifying the Particulars.

An Indictment may charge the Prisoner with forging a Writing, purporting to be an Instrument of a particular Kind; Beech and Martin's Case, 2 Bl. Rep. 790: but if the Writing upon the Face of it is not such as the Indictment states the Purport to be, the Indictment cannot be sustained; as where the Indictment was for forging a Bill purporting to be directed to one John King by the Name of Ring, and the name *Ring* only appeared in the Bill, although King was the Person interested; Reading's Case, E. P. C. ch. 19. § 56. Leach, Ca. 264.

So when the Charge was for forging an Order, purporting to be directed to G. Lord Kinnaird, Wm. Morlaud, &c. by the Description of Messrs. Ransom, Morland and Hammersley, and the Tenor set out was of a Bill directed to R. M. and H. the Judgment was arrested, because the Word Purport imports what appears on the Face of the Instrument: it means the apparent, and not the legal Import; Gilchrist's Case, East, ubi supra; Leach, Ca. 280. (In fact Lord K. and the other Persons mentioned were Bankers, under the firm of R. M. and H.) So Edsall's Case, East, ibid. where the Purport of a forged Bill was in like Manner stated, with the actual Names of the Drawers, and not with the Name of the Firm, as appearing on the Face of the Bill.

The Indictment must specify the Nature of the Instrument forged. Where an Indictment for forging an Obligation in a certain Sum, without a Condition, described it as a *Bond and Writing obligatory*; it was objected, that it ought to have been called a *Writing obligatory*; having neither a Defeazance nor Penalty annexed to it; and that, although a *Bond* was a *Writing obligatory*, yet the Converse did not hold. The Judges held the Conviction right; Dunnett's Case, East, § 58. It is stated in East, as an Inference from this Case, that a superfluous Description does not appear to be objectionable: but I am by no means satisfied that the Term *Bond* is not properly applicable to an Obligation without a Condition, although, for the sake of Distinction, it is more usually called a *Single Bill*. See 2 Bl. Com. 340.

An Indictment may be maintained on the 2d. Geo. II. stating that the Prisoner did feloniously alter, by forging and adding a Cypher, although the Word *alter* is not in that Statute; the words being "shall falsely make, forge and counterfeit:" but the Indictment was admitted to be rather informer; Elsworth's Case, E. P. C. ibid.

The Indictment must alledge an Intent to defraud some Person or Persons, or, by 18 Geo. III. c. 18. some Corporation; but it need not appear how the Act was to operate in Fraud of such Person or Corporation, although they may not be mentioned in the Writing forged; that being Matter of Evidence; Powell's Case, E. P. C. ch. 19. § 59; Elsworth's Case, ibid.—There

are always several Counts in the Indictment, charging an Intent to defraud all such Persons or Bodies Corporate as could be affected by the Success of the Forgery; but as the Intention to commit a Fraud at the Time of the Forgery is usually general, and intended to impose rather upon the Person to whom the forged Instrument may be accidentally offered, (particularly in the Case of Bank Notes and negotiable Instruments) I think it would be desirable to pass an Act, rendering it unnecessary to state the Name of any Person or Corporation intended to be defrauded.

With regard to the Evidence, an Indictment for forging a Receipt, with Intent to defraud A. B. C. &c. Stewards of the Fund of the Sons of the Clergy, was sustained by Proof of forging an Indenture of Apprenticeship, with a Rec-e-pt for the Premium, in order to obtain the Assistance which the Stewards are appointed to distribute; Jones and Pullen's Case, Leach, Ca. J^o 8 — An Indictment for Forgery can only be sustained in the County where the Forgery is actually committed, which is a Question for the Jury; but there must be some Proof to warrant the Conclusion. See Parke's Case, E. P. C. ch. 19. § 61. In that Case there was no Proof, except an uttering by the Prisoner's Confederate.—I remember a Case at Lancaster, in the Year 1798, where a Clerk of a Mercantile House at Liverpool had stolen several Bills, and was afterwards apprehended on board a Sloop in the Downs, with a forged Indorsement of the Drawee on one of the Bills; and Rooke J. without any Evidence to shew a greater Probability of the Forgery being committed in Lancashire than in any intermediate County, thought there was enough to go to the Jury, who, however, acquitted the Prisoner.

A Confederate cannot be convicted of altering, unless present, or so near as to be able to aid and assist; Soare's and Atkinson's Case E. P. C. ch. 19. § 52.

By several Cases it is established, that a Person whose Name is forged, and who could have any Interest in invalidating the Instrument, if genuine, is an incompetent Witness to prove the Forgery. See the Cases upon the Subject, last ch. 19. § 61 to 68. Many Persons have doubted the Correctness of this Rule; and it certainly, in many Cases, defeats the Purposes of Justice. But where the Party can have no Interest, as a Cashier of the Bank, or living Person whose Will has been forged, / Newland's, Coogan's, and Stirling's Cases, East, ch. 19. § 67, 68/ the Objection does not apply. And in a Case of this Kind, Gould and Yates Justices disallowed other Evidence to be given of the Hand-writing being forged, without positive Evidence of the Party being dead, although the Forgery charged was of the Writing of a Person resident in the West Indies; Smith's Case, E. P. C. ch. 19. § 67. I am much inclined to think that such Objection would not now prevail; and in Fact, the Forgery of the Signatures of Clerks to the Bank is constantly proved by other Persons.

On account of the limited Nature of the Subjects, I think it is sufficient to refer generally to the Cases of Forgery mentioned in the several Statutes following, viz.—Forgeries of Instruments relating to the South Sea Company, by 9 Anne, c. 21, § 57. 6 Geo. I. c. 11, § 50. 12 Geo. I. c. 32, § 9; Forgery relating to the East India Company by 12 Geo. I. c. 32, § 9; the London and Royal Exchange Assurance, 6 Geo. I. c. 18; the Governor and Company of British Cut Plate Glass Manufactory, 38 Geo. III. c. 17; Forgery relating to Stock created by the Parliament of Ireland, and of which the Shares are transferable and Dividends payable at the Bank of England, 35 Geo. III. c. 66, § 5; Contracts relating to the Redemption of the Land Tax, 42 Geo. III. c. 116, § 194; the Register of Births or Baptisms of Nominees in respect of Annuities granted by 48 Geo. III. c. 132; the Provisions by the several Acts respecting Lotteries or Exchequer Bills, or other particular Instruments; Documents relating to Suits in Chancery, by 12 Geo. I. c. 32; the Memorials of Register of Deeds, under the Authority of the Acts relating to Middlesex and the several Ridings of Yorkshire; the Forgery of Instruments relating to the Excise, by 46 Geo. III. c. 75; of the Customs, by 46 Geo. III. c. 150, and several other Cases; many of which particular Provisions were originally, or have since become, unnecessary, as included in Statutes of general Operation.

As to forging Prescives, see 32 Geo. II. c. 14, ante, Pt. II. Cl. X. No. 24; Register of Marriages, 26 Geo. II. c. 33, ante, Pt. I. Cl. III. No. 5.

For the Forgery of Stamps, see Stat. 52 Geo. III. c. 143. post, Class 14, and Notes.

No. 1.

5 Elizabeth, c. 14. — An Act against Forgers of false Deeds and Writings.

FORASMUCH as the wicked, pernicious and dangerous Practice of making, forging and publishing false and untrue Charters, Evidences, Deeds and Writings, hath of late Time been very much more practised, used and put in Ure in all Parts of this Realm, than in Times passed, not only to the high Dis- pleasure of God, but also to the great Injury, Wrong, Hurt, Damage, Disherison and utter undoing of divers the Queen's Majesty's Subjects of this Realm, and to the great Subversion of Justice and Truth, which seemeth to have grown and hap- pened chiefly by reason that the Pains and Punishments limited for such great and notable Offences, by the Laws and Statutes of this Realm, before this Time have been and yet are so small, the Law hath mild and easy, that such evil People have not been nor yet are afraid to enterprise the practising and doing of such Of- fenses; &c.:

II. Be it therefore enacted by the Queen's most Excellent Majesty, with the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, after the first day of June now next coming, upon his or their own Head and Imagination, or by false Conspira- cy and Fraud with others, shall wittingly, subtilly and falsely forge or make, or subtilly cause or wittingly assent to be forged or made, any false Deed, Charter or Writing sealed, Court Roll, or the Will of any Person or Persons in Writing, to the Intent that the State of Freehold or Inheritance of any Person or Persons, of, in or to any Lands, Tenements or Heredita- ments, Freehold or Copyhold, or the Right, Title or Interest of any Person or Persons, of, in or to the same, or any of them, shall or may be molested, troubled, defeated, recover- ed or charged; or after the said first Day of June shall pronounce, publish or shew forth in Evidence, any such false and forged Deed, Charter, Writing, Court Roll or Will, as true, knowing the same to be false and forged, as is aforesaid, to the Intent above remembred, and shall be thereof convicted, either upon Action or Actions of Forger of false Deeds, to be founded upon this Statute, at the Suit of the Party grieved, or otherwise according to the Order and due Course of the Laws of this Realm, or upon Bill or Information to be exhibited into the Court of the Star-Chamber, according to the Order and Use of that Court, shall pay unto the Party grieved his double Costs and Damages, to be found or assessed in that Court where such Conviction shall be, and also shall be set upon the Pillory in some open Market Town, or other open Place, and there to have both his Ears cut off, and also his Nostrils to be slit and cut, and seared with a hot Iron, so as they may remain for a perpetual Note or Mark of his Falshood, and shall forfeit to the

No. 1.
5 Elizabeth,
c. 14.

The several Penalties for forging of Deeds the first or second Time, &c.

The Mildness of the Law hath increased the forging of Deeds.

Made Felony
by 2 G. 2. c. 25.
& 9 G. 2. c. 18.

The Penalty for forging or pub- lishing of a false Deed, whereby another's Free- hold shall be troubled.

No. 1. Queen our Sovereign Lady, her Heirs and Successors, the whole Issues and Profits of his Lands and Tenements during his Life, and also shall suffer and have perpetual Imprisonment during his Life; The said Damages and Costs to be recovered at the Suit of the Party grieved as is aforesaid, to be first paid and levied of the Goods and Chattels of the Offender, and of the Issues and Profits of the said Lands, Tenements and Hereditaments of such Party convicted or of one or both of them; the said Title of our said Sovereign Lady the Queen, her Heirs or Successors, to the same notwithstanding.

Forging of a Deed, whereby a Lease or Annuity may be claimed.

Forging of an Obligation, Acquittance, Release, &c.

The several Remedies of the Party grieved against the Offender.

III. And be it further enacted by the Authority aforesaid, That if any Person or Persons after the said first day of June, upon his or their own Head or Imagination, or by false Conspiracy or Fraud had with any other, shall wittingly, subtilly and falsely forge or make, or wittingly, subtilly and falsely cause or assent to be made and forged, any false Charter, Deed or Writing, to the Intent that any Person or Persons shall or may have or claim any Estate or Interest for Term of Years, of, in or to any Manors, Lands, Tenements or Hereditaments, not being Copyhold, or any Annuity in Fee-simple, Fee-tail or for Term of Life, Lives or Years; or after the said Day shall as is aforesaid forge, make or cause or assent to be made or forged, any Obligation or Bill obligatory, or any Acquittance, Release or other Discharge of any Debt, Accomp, Action, Suit, Demand or other Things Personal; or if any Person or Persons after the said first day of June shall pronounce, publish or give in Evidence, any such false and forged Charter, Deed, Writing, Obligation, Bill obligatory, Acquittance, Release or Discharge, as true, knowing the same to be false and forged, and shall be thereof convicted by any the Ways or Means aforesaid: That then he shall pay unto the Party grieved his double Costs and Damages, to be found and assessed in such Court where the said Conviction shall be had, and shall be also set upon the Pillory in some open Market-Town or other open Place, and there to have one of his Ears cut off, and shall also have and suffer Imprisonment by the Space of one whole Year, without Bail or Mainprize.

IV. And be it further enacted by the Authority aforesaid, That the Party and Parties grieved by reason of any the Offences aforesaid, shall and may, at his and their Pleasure, have and sue his Action of Forger of false Deeds upon this Statute, against any the Offenders in the same, by original Writ out of the Queen's Highness Court of Chancery, and shall and may have like Process upon the same, as in Cases of Trespass at the Common Law; or may at his Pleasure take his Suit against any such Offenders in any the Premisses, by Bill before the Queen's Highness, her Heirs and Successors, in her Court commonly called the King's Bench, or in the Court of the Exchequer; in which Suits no Essoin, Injunction or Protection shall be allowed for the Party Defendant.

V. And be it further enacted by the Authority aforesaid, That if the Party Defendant shall be convicted of any the

He that is once punished for an

Offences aforesaid, according to the Order and Form above limited, and shall have received thereupon Punishment Capital according to this Act; that then he shall not elsoons be impeached for the same Offence.

No. 1.
Elizabeth,
c. 14.

VI. And be it further enacted by the Authority aforesaid, That although the Party or Parties Plaintiff in any such Action or Bill to be sued, as is aforesaid, shall after Verdict passed against the Defendant or Defendants, happen to release or discharge the Judgment or Execution upon the same, or otherwise suffer the same to be discontinued: That yet, nevertheless, less the same Release, Discharge or Discontinuance, shall extend only to discharge such Costs and Damages as the same Plaintiff should have had against the Defendant; and that the Judges before whom the said Action or Suit shall be taken, shall and may proceed to Judgment of and upon the Residue of the said Penalties and Forfeitures, and to command Execution upon the same; the said Release, Discontinuance, or other Discharge had, made, done or suffered by the Party Plaintiff, in any wise notwithstanding; this Act or any Thing therein contained to the contrary in any wise notwithstanding.

VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, being hereafter convicted or condemned of any the Offences aforesaid, by any the Ways or Means above limited, shall after any such his or their Conviction or Condemnation elsoons commit or perpetrate any of the said Offences in Form aforesaid; that then every such second Offence or Offences shall be adjudged Felony; and the Parties being thereof convicted or attainted according to the Laws of this Realm, shall suffer such Pains of Death, Loss and Forfeiture of their Goods, Chattels, Lands and Tenements, as in Cases of Felony by the Common Laws of this Realm ought to be lost or forfeited, without having any Advantage or Benefit of Clergy or Sanctuary; Saving to every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, other than the said Offenders, and such as claim to their Uses, all such Rights, Titles, Interests, Possessions, Liberties of Distresses, Leases, Rents, Reversions, Offices and other Profits and Advantages, which they or any of them shall have at the Time of such Conviction or Attainder, of, in or to any the Lands, Tenements or Hereditaments of any such Person so as is aforesaid convicted or attainted, or at any Time before, in as large and as ample Manner, to all Intents and Purposes, as if this Act had never been made.

VIII. Provided always, and be it enacted by the Authority aforesaid, That any such Conviction or Attainder of Felony, as is aforesaid, or any Forfeiture by reason of the same, shall not in any wise extend to take away the Dower of the Wife of any such Person attainted, nor to the Corruption of Blood, or Disherison of any the Heir or Heirs of any such Person or Persons so attainted; this Act, or any Thing therein

Offence shall
not after be im-
peached for the
same.
The Plaintiff's
Release shall
discharge only
his own Re-
medy.

No. 1.
5 Elizabeth,
c. 14.
contained, or any other Statute, Law, Usage, Custom, or Thing heretofore used to the contrary in any wise notwithstanding.

Officials or Registers putting a Seal to a Will.

Which Justices may hear and determine these Offences.

A Repeal of all other Statutes made against Forgery.

To what Persons this Statute shall not extend.

Forging of Deeds before this Statute, or presently after.

IX. Provided also, and be it further enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not extend to charge any Ordinary, or any their Commissaries, Officials, Registers or any other their Officers or Ministers, with any the Offences aforesaid, for putting their Seal of Office to any Will to be exhibited unto them, not knowing the same to be false or forged, or for writing of the said Will or Probate of the same; this Act or any Thing therein contained to the contrary notwithstanding,

X. And be it further enacted by the Authority aforesaid, That all and every Justices of *Oyer and Determiner*, and Justices of *Assise* in their Circuits and every of them, shall have full Power and Authority in every of their Open and General Sessions, to enquire, hear and determine of all and every the Offences aforesaid committed or done within the Limits of their Commission, and to make Process for the Execution of the same, as they may do against any Person being indicted before them of Trespass, or lawfully convicted thereof.

XI. And be it further enacted by the Authority aforesaid, That all other Statutes heretofore made and provided for Forgery of false Deeds, Charters, Muniments or Writings, and all and every Penalty appointed by the same, shall from and after the said first Day of *June* be void and of none Effect in the Law; any such Statute or Thing therein contained to the contrary in any wise notwithstanding.

XII. Provided always, That this Act, or any Thing therein contained, shall not extend or be hurtful in any wise to any Proctor, Advocate or Register of any Ecclesiastical Court within this Realm, for the writing, setting forth or Pleading of any Proxy made according to the Ecclesiastical Laws or Customs heretofore used and allowed by the Ecclesiastical Courts of this Realm, for the Appearance of any Person or Persons being cited to appear in any of the said Courts Ecclesiastical, nor to any Archdeacon or Official, for putting their authentick Seal to the said Proxy or Proxies, neither yet to any Judge Ecclesiastical for admitting of the same: But that they and every of them may hereafter do in all Points concerning the same, as they and every of them might lawfully have done before the making of this Act; any Thing in this Act to the contrary in any wise notwithstanding.

XIII. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, that hath of his or their own Head, or by false Conspiracy and Fraud with any other, wittingly, subtilly and falsely forged or made, or shall before the first Day of *June* forge and make any false Deed, Charter or Writing sealed, or the Will of any Person in Writing, or any Court-Roll, to the Intent that the Estate of Freehold or Inheritance, or the Right, Title or Interest of Inheritance or Freehold of any

Person or Persons, of, in or to any Manors, Lands, Tenements or Hereditaments, being Freehold or Copyhold, or that by any such forged Deed, Charter, Court-Roll or Writing, before the said first Day of June shall or may be molested, troubled or defeated of any of the said Estates of any Lands, Tenements or Hereditaments, being Freehold or Copyhold: Or if any Person or Persons have heretofore published or shewed forth in Evidence, or before the said first Day shall publish or shew in Evidence for the Proof of any Title, any false or forged Deed, Charter, Writing, Will or Court-Roll, as true, knowing the same to be false and forged as is aforesaid, to the Intent above remembred, and shall be thereof attainted or convicted, according to the Order of the Laws of this Realm, either in an Action of Forger of false Fuits, or in an Action upon the Case at the Suit of the Party grieved, his Heirs, Executors or Assigns, that then the Party so convicted shall pay and yield Damages and Costs of Suit to the Plaintiff, as shall be assessed according to the Order of the Laws of this Realm in any such like Action or Suit, and shall suffer Imprisonment and pay Fine and Ransom at the Pleasure of the Queen's Majesty, her Heirs and Successors.

XIV. And if any Person or Persons shall after the said first Day of June, plead, publish or shew forth in Evidence or otherwise, for the Proof of any Title, any false and forged Deed, forged Deed Charter, Writing, Will or Court-Roll, heretofore falsely made and forged, or to be falsely made and forged before the said first Day of June, as true, knowing the same to be false and forged, to the Intent to have or claim thereby any Estate of Inheritance, Freehold, or Lease of Years, in or to any Manors, Lands, Tenements or Hereditaments, or any Annuity, Rent or Profit, forth of any Manors, Lands, Tenements or Hereditaments; or to the Intent to alter, defeat, molest, trouble, charge or recover the Estate of Inheritance, Freehold, or for Years, of any Person in any Manors, Lands, Tenements, Rents or Hereditaments; That then every Person and Persons that shall so offend, and shall be thereof convicted in Form first above remembred, shall pay unto the Party grieved, double Costs and Damages; and shall have Imprisonment, Loss of Ears, slitting and searing of Nose, and Forfeiture of Lands, in the same Manner and Form as above is limited, for any Person that shall offend by forging or publishing of any false Deed or Writing as is aforesaid, after the aforesaid first Day of June.

XV. Provided always, and be it enacted by the Authority A Lawyer or Attorney pleading a forged Deed.
aforesaid, That this Act, nor any Pain, Forfeiture or Thing therein contained, shall not extend to any Attorney, Lawyer or Counsellor that shall for his Client plead, shew forth or give in Evidence any false and forged Deed, Charter, Will, Court-Roll, or other Writing, for true or good, being not party or privy to the forging of the same, for the pleading, shewing forth or giving in Evidence of the same; any Thing in this Act to the contrary notwithstanding.

No. 1.
5 Elizabeth,
c. 14.

No. 1.
5 Elizabeth, c. 14.
Pleading a Writing exemplified, or setting a seal to the same.

XVI. Provided always, and be it enacted by the Authority aforesaid, That this Act, or any Thing therein contained, shall not extend to any Person or Persons that shall plead or shew forth any Deed or Writing exemplified under the Great Seal of *Englund*, or under the Seal of any other authentick Court of this Realm; nor shall extend to any Judge or Justice, or other Person, that shall cause any Seal of any Court to be set to any such Deed, Charter or Writing intitled, not knowing the same to be false or forged; any Thing in this Act to the contrary notwithstanding.

No. 2.
21 James I. c. 26.

21 James I. c. 26. — An Act against such as shall levy any Fine, suffer any Recovery, acknowledge any Statute, Recognizance, Bail, or Judgment, in the Name of any other Person or Persons not being privy and consenting thereto.*

WHEREAS it is of late grown to be a great and general Grievance to his Majesty's Subjects within the Realm of *Englund*, and the Dominion of *Wales*, that many lewd Persons of base Condition, for very little Reward or Recompence, have of late Years used and still do use to levy Fines, and suffer Recoveries of Lands and other Hereditaments, to acknowledge Statutes, Recognizances, Bails, and Judgments, in the Name or Names of any other Person or Persons not privy or consenting to the same, which bath and daily doth turn to the great Inquietation, Charge, Trouble, and Undoing of many of the good Subjects of this Kingdom, and the rather, for that there is no Remedy in Law to reform these and the like Abuses.'

Felony to levy a Fine, suffer a Recovery, &c. in another's Name not privy thereto.

II. For Remedy whercof, be it enacted by the King's most Excellent Majesty, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons which at any Time after the End of this present Session of Parliament shall acknowledge, or procure to be acknowledged, any Fine or Fines, Recovery or Recoveries, Deed or Deeds intitled, Statute or Statutes, Recognizance or Recognizances, Bail or Bails, Judgment or Judgments, in the Name or Names of any other Person or Persons not privy or consenting to the same, and being thereof lawfully convicted or attainted, shall be adjudged, esteemed, and taken to be Felons; and suffer the Pains of Death, and incur such Forfeitures and Penalties, as Felons in other Cases convicted or attainted do by the Laws of *England* lose and forfeit, without the Benefit or Privilege of Clergy to be allowed to any such Offender

This Felony shall not corrupt the Blood, nor take away Dower.

* Extended to Bail taken before Commissioners by 4 W. and M. c. 4. § 4. Pt. III. Cl. III. No. 16.

or Offenders. Provided always, That such Attainder shall not be any Corruption of Blood, nor Loss of Dower to the Wife, but the next Heir shall have the Lands whereof such Person attainted died seized, and such Wife her Dower, as if no such Attainder had been had.

No. 2.
21 James I.
c. 26.

III. Provided always, and be it likewise enacted by the Authority aforesaid, That this Act shall not extend to any Judgment or Judgments acknowledged by any Attorney or Attorneyes of Record, for any Person or Persons against whom any such Judgment or Judgments shali be had or given.

No. 3.

8 George I. c. 22.—An Act to rectify the Practices by forging Powers to transfer such Stocks, or to receive such Annuities or Dividends as are therein mentioned, or by fraudulently personating the true Owners thereof; and to rectify Mistakes of the late Managers for taking Subscriptions for increasing the Capital Stock of the South-Sea Company, and in the Instruments founded thereupon.

P.

I. WHEREAS of late divers Frauds and Abuses have been committed by forging and counterfeiting the Hands of some of the Proprietors of the Shares of and in the Capital Stock and Funds of such Body or Bodies Politick or Corporate, as are established by Act or Acts of Parliament in that Behalf, or some of them, or by forging or counterfeiting the Hands of Persons entitled to the Dividends attending the said Shares, or some of them, or by forging or counterfeiting the Hands of Persons entitled to Annuities, in respect whereof the Proprietors have transferrable Shares in a Capital Stock or Stocks established by Act or Acts of Parliament, in Proportion to their respective Annuities; and divers Frauds and Abuses have been or may be committed by Persons fals'y and deceitfully personating the true and real Proprietors of the said Shares in Stock, Annuities and Dividends, or some of them? Now for the better preventing such pernicious Practices for the Future, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever, from and after the first Day of March one thousand seven hundred and twenty-one, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and willfully act or assist in the forging or counterfeiting any Letter of Attorney, or other Authority or Instrument to transfer, assign, sell or convey any such Share or Shares, or any Part of such Share or Shares of and in such Capital Stock or Stocks as aforesaid, or any of them, or to receive any such Annuity or Dividend

No. 3.
8 George I.
c. 22.After 1 March,
1721, forging
Letters of At-
torney, &c.

No. 3.
8 George I.
c. 22.
or counterfeiting
Names of
Proprietors, &c.

or falsely per-
sonating real
Proprietors of
Shares, &c.
Felony.

or Dividends as aforesaid, or any of them, or any Part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the Name or Names of any the Proprietors of any such Share or Shares in Stock, or of any the Persons entitled to any such Annuity or Annuities, Dividend or Dividends as aforesaid, in or to any such pretended Letter of Attorney, Instrument or Authority, or shall knowingly and fraudulently demand, or endeavour to have any such Share or Shares in Stock, or any Part thereof, transferred, assigned, sold or conveyed, or such Annuity or Annuities, Dividend or Dividends, or any Part thereof, to be received by Virtue of any such counterfeit or forged Letter of Attorney, Authority or Instrument, or shall falsely and deceitfully personate any true and real Proprietor of the said Shares in Stock, Annuities and Dividends, or any of them, or any Part thereof, and thereby transferring or endeavouring to transfer the Stock, or receiving or endeavouring to receive the Money of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof; then and in every or any such Case, all and every such Person and Persons (being thereof lawfully convicted in due Form of Law) shall be adjudged guilty of Felony, and shall suffer as in Cases of Felony, without Benefit of Clergy.

No. 4.

10. 12 George I. c. 32. -- An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery; and to prevent the Counterfeiting of East India Bonds, and Indorsements thereon; as likewise Indorsements on South-Sea Bonds.

No. 4.
12 George I.
c. 32.

Forging the
Hand of the
Accountant to
a Certificate to
receive Suitors
Effects in the
Bank,

IX. AND be it likewise further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the first Day of May in the Year of our Lord one thousand seven hundred and twenty-six, forge or counterfeit, or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting the Name or Hand of the said Accountant General, the said Register, the said Clerk of the Report-Office, or any of the Cashiers of the said Governor and Company of the Bank of England, to any Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument or Writing whatsoever, for or in order to the receiving or obtaining any the Money or Effects of any of the Suitors of the said Court of Chancery, or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully act or assist in forging or counterfeiting any Certificate, Report, Entry, Indorsement, Declaration of Trust, Note, Direction, Authority, Instrument or Writing in Form of a Certificate, Report, Entry, Indorsement, Declaration of Trust,

Note, Direction, Authority, Instrument or Writing, made by such Accountant General, Register, Clerk of the Report Office, or any of the Cashiers of the said Governor and Company of the Bank of *England*, or any Bond or Obligation under the Common Seal of the United Company of Merchants of *England* trading to the *East Indies*, or any Indorsement or Assignment thereon, or on any Bond or Obligation under the Common Seal of the Governor and Company of Merchants of *Great Britain* trading to the *South-Sea* and other Parts of *America*, and for encouraging the Fishery; or shall utter or publish any such, knowing the same to be forged or counterfeited, with Intention to defraud any Person whatsoever; then every such Person and Persons so offending (being thereof lawfully convicted) shall be and is hereby declared and adjudged to be guilty of Felony, and shall suffer Death as in case of Felony, without Benefit of Clergy.

No. 4.
12 George I.
c. 32.

or any East-India or South-Sea Bond, is Felony without Clergy.

No. 5.

2 George II. c. 25.—An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury; and to make it Felony to steal Bonds, Notes or other Securities for Payment of Money.

P.

[See the other Parts of the Act Cl. VII. *supra*, Cl. XVII. *infra*.]

WHEREAS the wicked, pernicious and abominable Crimes of Forgery, Perjury and Subornation of Perjury, have of late Time been so much practised, to the Subversion of common Truth and Justice, and Prejudice of Trade and Credit, that it is necessary, for the more effectual preventing of such enormous Offences, to inflict a more exemplary Punishment on such Offenders, than by the Laws of this Realm can now be done; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the twenty-ninth Day of June in the Year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge or counterfeit, or cause or procure to be falsely made, or forged, counterfeited, or wilfully act or assist in the false making, forging or counterfeiting any Deed, Will, Testament, Bond, Writing obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any false, forged or counterfeited Deed, Will, Testament, Bond, Writing obligatory, Bill of Exchange, Promissory Note

No. 5.
2 George II.

To forge any
Deed, &c. Fe-
lony without
Benefit of
Clergy.

No. 5. for Payment of Money, Indorsement or Assignment of any
 2 George II. Bill of Exchange or Promissory Note for Payment of Money,
 c. 25. Acquittance or Receipt, either for Money or Goods, with
 Intention to defraud any Person, knowing the same to be
 false, forged or counterfeited; then every such Person, being
 thereof lawfully convicted according to the due Course of
 Law, shall be deemed guilty of Felony, and suffer Death as
 a Felon, without Benefit of Clergy.

No. 6.

4 George II. c. 18. -- An Act to prevent counterfeiting
 the Passes, commonly called *Mediterranean Passes*.

No. 6.
 4 George II.
 c. 18.

WHEREAS certain Treaties or Conventions have been
 concluded, and are subsisting between the King's
 most Excellent Majesty and the several States and Govern-
 ments of *Barbary*, for establishing and preserving a firm and
 inviolable Peace between his Majesty and the said States and
 Governments and their respective Dominions and Subjects,
 by which Treaties it is stipulated and agreed, That all Ships
 and Vessels belonging to his Majesty, or any of his Subjects,
 may freely pass the Seas, and safely enter and come into the
 Ports and Harbours of the said respective States and Govern-
 ments, without any Lett, Hindrance, Seizure or Molestation,
 upon producing Passes of a certain Form under the Hand
 and Seal of the Lord High Admiral of Great Britain and
Ireland, or of the Commissioners for executing the Office of
 Lord High Adm' al of Great Britain and Ireland for the Time
 being; and in Conformity to those Treaties, and pursuant to
 several Orders of his Majesty's most Honourable Privy
 Council, such Passes have from Time to Time been issued
 and are commonly called *Mediterranean Passes*: And whereas
 divers wicked and ill-disposed Persons, Subjects of his Ma-
 jesty, have made and forged such Passes, and have coun-
 terfeited the Seal of the said Office and the Hands of several
 of the Commissioners for executing the said Office of Lord
 High Admiral of Great Britain and Ireland, and have sold
 and published such false and counterfeit Passes in Parts be-
 yond the Seas, or elsewhere, which Practices do not only
 tend to the manifest Prejudice of his Majesty's Revenue and
 the Loss and Damage of the Merchants of this Kingdom, by
 subjecting their Ships, Persons and Effects to be seized and
 detained; but may also occasion a Breach of the Peace,
 Amity and Friendship between this Kingdom and the States
 and Governments aforementioned, should such Offenders go
 unpunished: And whereas the said Crimes and Offences,
 being frequently committed in foreign Parts, are not triable
 or cognizable in any Court of Great Britain or Ireland; For
 remedying such Defect and Inconvenience, and also for in-
 flicting a more exemplary Punishment upon such Offenders,

Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, after the twenty-fourth Day of June in the Year of our Lord one thousand seven hundred and thirty-one, shall within without Benefit of Clergy, Counterfeiting Mediterranean Passes, Felony Great Britain or Ireland, or any other his Majesty's Domi- nions, or without, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wittingly or knowingly act or assist in the false making, forging or counterfeiting any Pass or Passes for any Ship or Ships whatsoever, commonly called a *Mediterranean Pass* or *Mediterranean Passes*, or shall counterfeit the Seal of the said Office, or the Hand or Hands of the Lord High Admiral of *Great Britain* and *Ireland* for the Time being, or of any Commissioner or Commissioners for executing the said Office for the Time being, to any such Pass or Passes, or shall alter or erase any true and authentick Pass or Passes issued or made out by the Lord High Admiral of *Great Britain* and *Ireland*, or the Commissioners for executing the said Office for the Time being, or shall utter or publish as true any such false, forged, counterfeited, altered or erased Pass or Passes, knowing the same to be false, forged, counterfeited, altered or erased, all and every such Person and Persons, being in due Form of Law convicted of any of the Offences aforesaid in any proper Court of *Great Britain*, *Ireland*, or any of his Majesty's Plantations beyond the Seas, where such Offence shall be committed respectively, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

II. Provided always, and it is hereby further enacted by These Crimes committed in his Majestys Dominions, or tried in any Shire of Great Britain, &c.
the Authority aforesaid, That all and every the Crimes and Offences before-mentioned, which shall be done or committed in any Country or Place out of *Great Britain*, either within without, may be tried in any Shire of Great Britain, &c.
the Dominions of his Majesty, his Heirs or Successors, or without, shall and may be enquired of, tried, heard, determined and adjudged in any Shire or County of *Great Britain*, by virtue of the King's Commission or Commissions of *Oyer and Terminer* and *Gaol Delivery*, or before any Court of Justiciary in *Scotland* respectively, in the same Manner as if such Offence or Offences was or were done or committed within the same County or Shire where such Offender or Offenders shall be tried; any Law, Statute, Custom or Usage to the contrary notwithstanding.

No. 7.

7 George II. c. 22.—An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange, or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money, or Delivery of Goods.

No. 7.
7 George II.
c. 22.
2 G. 2. c. 25.

WHEREAS in and by an Act of Parliament made in the second Year of his present Majesty's Reign, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes or other Securities for Payment of Money," it is amongst other Things enacted, "That if any Person from and after the twenty-ninth Day of June in the Year of our Lord one thousand seven hundred and twenty-nine, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any false, forged, or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted, according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy: And whereas no Punishment is inflicted by the said Act upon any Person who shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any Acceptance of any Bill of Exchange, or the Number or principal Sum of any accountable Receipt for any Note, Bill or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods, or who shall knowingly utter or publish the same as true; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person from and after the twenty-fourth Day of June one thousand seven hundred and thirty-four, shall falsely make, alter,

After 24 June
1734, Persons
convicted of
forging or al-
tering the Ac-
ceptance of
Bills of Ex-
change, or the

forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any Acceptance of any Bill of Exchange, or the Number or Principal Sum of any accountable Receipt for any Note, Bill or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods, with Intention to defraud any Person whatsoever, or shall utter or publish as true, any false, altered, forged or counterfeited Acceptance of any Bill of Exchange, or accountable Receipt for any Note, Bill or other Security for Payment of Money, or Warrant or Order for Payment of Money, or Delivery of Goods, with Intention to defraud any Person, knowing the same to be false, altered, forged or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

No. 7.
7 George II.
c. 22.
Sums of ac-
countable Re-
ceipts, &c.

shall suffer
Death as Fe-
lons.

No. 8.

15 George II. c. 13.—An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of one million six hundred thousand Pounds, towards the Supply for the Service of the Year one thousand seven hundred and forty-two.

19.

XI. AND be it further enacted by the Authority aforesaid, That if any Person or Persons shall forge, counterfeit or alter any Bank Note, Bank Bill of Exchange, Dividend Warrant, or any Bond or Obligation under the Common Seal of the said Company, or any Indorsement thereon, or shall offer or dispose of or put away any such forged, counterfeit, or altered Note, Bill, Dividend Warrant, Bond or Obligation, or the Indorsement thereon, or demand the Money therein contained or pretended to be due thereon, or any Part thereof, of the said Company, or any their Officers or Servants, knowing such Note, Bill, Dividend Warrant, Bond or Obligation, or the Indorsement thereon, to be forged, counterfeited, or altered, with Intent to defraud the said Company, or their Successors, or any other Person or Persons whatsoever; every Person or Persons so offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

No. 8.
15 George II.
c. 13.

Persons coun-
terfeiting, or
altering Bank
Notes, &c. to
suffer Death.

No. 9.

P.

- 31 George II. c. 22.—An Act for granting to his Majesty several Rates and Duties upon Offices and Pensions; and upon Houses; and upon Windows or Lights; and for raising the Sum of five Millions by Annuities, and a Lottery, to be charged on the said Rates and Duties.

No. 9.
31 George II. c. 22.
Numbers of the Fortunate Tickets and the Sums to be printed.
Disputes relating thereto, to be adjusted by the Managers.
Penalty of forging Tickets or Certificates.

Felony.

Act 8. Geo. I.
c. 22.

AND, to the end the Fortunate may know, whether absent or present, to what Degree they have been so; Be it enacted, That as soon as the Drawing is over, the said Managers are hereby required, as soon as conveniently may be, to cause to be printed and published the Number of the Tickets drawn against each Fortunate Ticket, and the Principal Sum written on the same; and if any Contention or Dispute shall arise in adjusting the Property of the said Fortunate Tickets, the major part of the said Managers agreeing therein, shall determine to whom it doth belong: And if any Person or Persons shall forge or counterfeit any Ticket or Tickets, Certificate or Certificates, to be made forth in pursuance of this Act, or made forth, or to be made forth, on any former Lottery Act, &c alter any the Numbers thereof, or utter, vend, barter or dispose of, or offer to dispose of, any false, altered, forged or counterfeited Ticket or Tickets, Certificate or Certificates, or bring any forged or counterfeit Ticket or Certificate, or any Ticket or Certificate the Number whereof is altered (knowing the same to be such) to the said Managers, or any of them, or the said Governor and Company of the Bank of *Englund*, or their Cashier or Cashiers, or Accomptant General for the time being, or to any other Person or Persons whatsoever, to the Intent to defraud his Majesty, or any Contributor or Adventurer, or the Executors, Administrators, Successors or Assigns, of any Contributor or Adventurer upon this Act, with a fraudulent Intention; then every such Person, being thereof convicted in due Form of Law, shall be adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy: And the said Managers and Directors, or any two or more of them, are hereby authorised and required to cause any Person or Persons bringing or uttering such forged or counterfeit Ticket or Tickets, Certificate or Certificates, as aforesaid, to be apprehended, and to commit him, her or them, to his Majesty's Gaol of *Newgate*, or to the common Gaol of the County or Place where such Person or Persons shall be so apprehended, to be proceeded against for the said Felony according to Law.

LXXVII. And whereas Doubts may arise, whether the Punishment inflicted in and by an Act of Parliament made and passed in the eighth Year of the Reign of his late Majesty, King George the First, intituled, "An Act to prevent the Mischiefs by Foreign Powers, to transfer such Stocks, or to

* receive such Annuities or Dividends as are therein mentioned; or by fraudulently personating the true Owner thereof; and to rectify Mistakes of the late Managers for taking Subscriptions for increasing the Capital Stock of the South Sea Company, and in the Instruments founded thereupon," on Persons guilty of the several Species of Forgery, and other Offences therein mentioned, extends to the Commission of the like Forgery and Offences in relation to such Capital Stocks and Funds as have been established by the Authority of Parliament, since the passing of the said Act, and may be hereafter established; Be it therefore enacted

by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the first day of July, one thousand

hundred and fifty-eight, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any Letter of Attorney, or other Authority or Instrument, to transfer, assign, sell or convey any Share or Shares, or any Part of any Share or Shares, or in any such Capital Stock or Funds of any Body or Bodies Politick or Corporate established, or which shall be established, by any Act or Acts of Parliament; or to receive any Dividend or Dividends attending any Share or Shares, or any Part of any Share or Shares, or in any such Capital Stock or Funds as aforesaid; or to receive any Annuity or Annuities, in respect whereof any Proprietor or Proprietors have or shall have any transferrable Share or Shares of or in any Capital Stock or Stocks which now are, or hereafter shall be established by any Act or Acts of Parliament, in proportion to their respective Annuities; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting any the Name or Names of any the Proprietors of any such Share or Shares in Stock, or of any the Persons intitled to any such Annuity or Annuities, Dividend or Dividends, as aforesaid, in or to any such pretended Letter of Attorney, Instrument or Authority; or shall knowingly or fraudulently demand, or endeavour to have, any such Share or Shares in Stock, or any Part thereof, transferred, assigned, sold, or conveyed; or such Annuity or Annuities, Dividend or Dividends, or any Part thereof, to be received by virtue of any such counterfeit or forged Letter of Attorney, Authority or Instrument; or shall falsely and deceitfully personate any true and real Proprietors of the said Shares in Stock Annuities and Dividends, or any of them, or any Part thereof, and thereby transferring or endeavouring to transfer the Stock, or receiving or endeavouring to receive the Money, of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof, then, and in every or any such Case, all and every such Person and Persons, being thereof lawfully convicted in due Form of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

No. 9.
31 George II.
C. 2.

Penalty in the
receded Act of
forging or coun-
terfeiting Let-
ters of Attor-
ney, in order to
sell or transer-
flock in any of
the Funds, &c.
or to receive
any Dividends
or Annuities
thereon, &c.
extended to this
Act, &c.

No. 9.

31 George II.
c. 22.
Penalty in the
Act of 2 Geo. 2.
c. 25.of forging or
publishing any
Deed, Will,
Obligation, Ac-
quittance, &c.
with Intent to
defraud any
Corporation,
extended to this
Act.

LXXVIII. And whereas Doubts may arise whether the Punishment inflicted in and by an Act of Parliament made and passed in the second Year of the Reign of his present Majesty, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subordination of Perjury; and to make it Felony to steal Bonds, Notes or other Securities for Payment of Money," on Persons guilty of the several Species of Forgery therein mentioned, extends to the Comission of the like Forgeries with an Intention to defraud any Corporation; Be it therefore enacted by the Authority aforesaid, That if any Person from and after the first Day of *July* one thousand seven hundred and fifty-eight, shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly act or assist in the false making, forging or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt either for Money or Goods, with an Intention to defraud any Corporation whatsoever; or shall utter or publish as true, any false, forged or counterfeited Deed, Will, Testament, Bond, Writing Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement, or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, Acquittance or Receipt either for Money or Goods, with Intention to defraud any Corporation, knowing the same to be false, forged, or counterfeited; then every such Person, being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and suffer Death as a Felon, without Benefit of Clergy.

No. 10.

p.

3 George III. c. 16.—An Act to empower the Commissioners or Governors of the Royal Hospital for Seamen at *Greenwich*, after defraying the necessary Expences thereof, to provide for such Seamen worn out and become decrepit in the Service of their Country, who shall not be provided for within the said Hospital; and to enable them to receive such Pensions as shall be granted them by the said Commissioners or Governors, in the most easy and convenient Manner; and for preventing Frauds and Abuses attending the same.

No. 10.

3 George III.
c. 16.

Penalty o.

VI. AND whereas divers wicked Practices may be carried on by Persons knowingly and willingly personating and falsely assuming the Name and Character of any Out Pensioner of the said Hospital, in order to receive

' the Money due to any such Out Pensioner on account of his
 ' Out Pension ;' Be it further enacted by the Authority afore- No. 10.
 said, That from and after the passing of this Act, whosoever 3 George III.
 willingly and knowingly shall personate or falsely assume the c. 16.
 Name or Character of, or procure any other to personate or personating and
 falsely to assume the Name and Character of any Person in- fally assuming
 titled, or supposed to be intitled, as an Out Pensioner, to any the Name of
 Out Pension or Allowance of Money from the Commissioners Out-Pen-
 or Governors of the said Hospital, in order to receive the sioner in order
 Money due, or supposed to be due on such Out Pension ; same,
 every such Person so offending, and being lawfully convicted is Felony with-
 of any such Offence or Offences, shall be deemed guilty of out Benefit of
 Felony, and suffer Death as a Felon, without Benefit of Clergy.

No. 11.

4 George III. c. 25.—An Act for establishing an Agree- P.
 ment with the Governor and Company of the Bank
 of England, for raising certain Sums of Money to-
 wards the Supply for the Service of the Year one
 thousand seven hundred and sixty-four ; and for more
 effectually preventing the forging Powers to transfer such Stock,
 or receive such Dividends or Annuities as are therein mentioned,
 and the fraudulent personating the Owners thereof.

XV. AND whereas it is necessary that Provision should No. 11.
 be made for more effectually preventing the 4 George III.
 forging Powers to transfer any such Stock, or to receive such c. 25.
 Dividends or Annuities, as are hereinafter mentioned, and
 the fraudulent personating the Owners thereof ;' Be it fur-
 ther enacted by the Authority aforesaid, That if any Person
 or Persons whatsoever, from and after the first Day of May Penalty of
 one thousand seven hundred and sixty-four, shall forge or to transfer any
 counterfeit, or procure to be forged or counterfeited, or know- forging Power
 ingly and wilfully act or assist in the forging or counterfeiting Stock ; or to
 any Letter of Attorney, or other Authority or Instrument, to receive any Di-
 transfer, assign, sell or convey, any Share or Shares, or any videnids or An-
 Part of any Share or Shares, of and in any Capital Stock or nnuities thereon ;
 Stocks of any Body or Bodies Politick or Corporate, which or the fraudulent
 now are, or hereafter shall be, established by any Act or Acts personating the
 of Parliament ; or any Share or Shares, or any Part of any Owners thereof,
 Share or Shares, of and in any Annuities in respect whereof
 the Proprietors of such Annuities have or shall have transferra-
 ble Shares in any Capital Stock or Stocks now established, or
 which shall hereafter be established by any Act or Acts of
 Parliament, in Propotion to their respective Annuities ; or any
 Share or Shares, or any Part of any Share or Shares, of or in
 any other tranferrable Annuities which now are or hereafter
 shall be established by any Act or Acts of Parliament ; or to
 receive any such Annuity or Annuities, or any Dividend or

No. 11. Dividends attending such Shares, or any of them, or any Part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any the Name or Names of any the Proprietors of any such Share or Shares in Stock, or of any the Persons intitled to any such Annuity or Annuities, Dividend or Dividends as aforesaid, in or to any such pretended Letter of Attorney, Instrument or Authority; or shall knowingly and fraudulently demand, or endeavour to have any such Share or Shares in Stock or Annuities, or any Part thereof, transferred, assigned, sold, or conveyed, or such Annuity or Annuities, Dividend or Dividends, or any Part thereof, to be received by virtue of any such counterfeit or forged Letter of Attorney, Authority or Instrument; or shall falsely and deceitfully personate any true and real Proprietor of the said Shares in Stock, Annuities and Dividends, or any of them, or any Part thereof, and thereby transferring, or endeavouring to transfer the Stock or Annuities, or receiving, or endeavouring to receive, the Money of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof; then, and in every is Felony with. or any such Case, all and every such Person and Persons (being out Benefit of thereof lawfully convicted in due Form of Law,) shall be adjudged guilty of Felony, and shall suffer as in Cases of Felony, Clergy.

No. 12.

P. 9 Geor. III. c. 30. -- An Act for repealing so much of an Act passed in the tenth Year of her late Majesty Queen Anne, as relates to the Harbour Moorings of the Royal Navy; and for the more effectual Preservation of such Harbour Moorings; and Punishment of Persons guilty of stealing or embezzling his Majesty's Naval Stores; or of Forgery or Piracy in Relation to Seamen's Wages.

No. 12. VI. AND be it further enacted by the Authority aforesaid, 9 George III. That if any Person shall, after the said twenty-fourth Day of June, one thousand seven hundred and sixty-nine, utter or publish, as true, any false, forged, or counterfeited Letter of Attorney, Bill, Ticket, Certificate, Assignment, last Will, or any other Power or Authority whatsoever, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due or supposed to be due to any Officer or Seaman, or other Person, who has really served or was supposed to have served, or who shall hereafter serve or be supposed to have served, on board of any Ship or Vessel of his Majesty, his Heirs, or Successors, with Intent to defraud any Person, knowing the same to be false, forged, or counterfeited, then every such Person, being thereof lawfully convicted, shall be deemed guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

*Penalty of ut-
tering any forg-
ed Letter of
Attorney, Bill,
Ticket, Certifi-
cate, Assign-
ment, last Will,
&c. of any Of-
ficer or Sailor to
obtain any Wa-
ges, Prize Mo-
ney, &c. there-
upon, is Felony
without Benefit
of Clergy.*

No. 13.

13 George III. c. 79. — An Act for the more effectual preventing the forging of the Notes or Bills of the Governor and Company of the Bank of *England*; and for the preventing the obtaining a false Credit, by the Imitation of the Notes or Bills of the said Governor and Company.*

WHIEREAS Frauds have lately been committed by forging the Notes and Bills of the Governor and Company of the Bank of *England*, notwithstanding the Statutes now in Force for punishing and suppressing the same; for the more effectual preventing such Practices, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-ninth Day of September, which shall be in the Year of our Lord one thousand seven hundred and seventy-three, if any Person or Persons (other than the Officers, Workmen, Servants, or Agents, for the Time being, of the said Governor and Company, to be authorised and appointed for that Purpose by the said Governor and Company, and for the Use of the said Governor and Company only,) shall make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using; or (without being authorised and appointed as aforesaid) shall knowingly have in his, her, or their Custody or Possession (without lawful Excuse, the Proof whereof shall lie upon the Person accused), any Frame, Mould, or Instrument, for the making of Paper, with the Words *Bank of England*, visible in the Substance of such Paper; or shall make, or cause or procure to be made, or knowingly aid or assist in the making any Paper, in the Substance of which the said Words, *Bank of England*, shall be visible; or if any Person (except as before excepted) after the said twenty-ninth Day of September, shall, by any Art, Mystery, or Contrivance, cause or procure the said Words, *Bank of England*, to appear visible in the Substance of any Paper whatsoever, or knowingly aid or assist in causing the said Words, *Bank of England*, to appear in the Substance of any Paper whatsoever; every Person so offending in any of the Cases aforesaid, and being thereof lawfully convicted, shall, for such Offence, be deemed and adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

* II. And whereas unwary and other Persons have taken in Payment, and otherwise received, Notes, Inland Bills, and Bills of Exchange, with certain Words and Characters so nearly resembling the Notes and Bills of the said Gover-

No. 13.
13 George III.
c. 79.

Persons making
Frames, &c. for
forging Notes of
England, or
having in their
Custody
Moulds or In-
struments for
the Use of that Purpose,

adjudged guilty
of Felony, &c.

* Most of the Offences mentioned in this Act have been made Felony by Stat. 45 Geo. III. c. 89, post.

No. 13. 'nor and Company, as to appear to such Persons to be the
 13 George III. ' Notes or Bills of the Bank of *England*, which, if continued
 c. 79. ' to be done, will be to the great Prejudice of publick Credit ;'
 Persons engraving Notes to resemble Inland Bills, &c.,
 be it therefore enacted by the Authority aforesaid, That from and after the said twenty-ninth Day of *September*, if any Person or Persons, without being authorised and appointed as aforesaid, shall engrave, cut, etch, or scrape in Mezzotinto, or shall cause or procure to be engraved, cut, etched, or scraped in Mezzotinto, or shall knowingly aid or assist in the engraving, cutting, etching, or scraping in Mezzotinto in or upon any Plate of Copper, Brass, Steel, Pewter, or of any other Metal or Mixture of Metals, or upon Wood, or any other Material, or any Plate whatsoever, any Promissory Note, Inland Bill, or Bill of Exchange, or Blank Promissory Note, Inland Bill, or Bill of Exchange, or Part of a Promissory Note, Inland Bill, or Bill of Exchange, containing the Words, *Bank of England*, or *Bank Post Bill*, or any Word or Words expressing the Sum or Amount, or any Part of the Sum or Amount of such Promissory Note, Inland Bill, or Bill of Exchange, in White Letters or Figures on a Black Ground ; or shall use any such Plate so engraved, cut, etched, or scraped in Mezzotinto, or shall use any other Instrument for the making or painting any such Promissory Note, Inland Bill, or Bill of Exchange, or Blank Promissory Note, Inland Bill, or Bill of Exchange, or Part of a Promissory Note, Inland Bill, or Bill of Exchange ; it any Person, without being authorised and appointed as aforesaid, shall, after the twenty-fifth day of *December*, which shall be in the Year of our Lord one thousand seven hundred and seventy-three, knowingly have in his, her, or their Custody, any such Plate or Instrument, or shall knowingly and wilfully utter or publish any such Promissory Note, Inland Bill, or Bill of Exchange, Blank Promissory Note, Inland Bill, or Bill of Exchange ; every such Person so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall be committed to the Common Gaol of the County or Place where the Offence shall be committed, for any Space not exceeding six Months.

III. Provided always, and it is hereby enacted, That nothing herein contained, shall extend or be construed to extend, to such Person or Persons who being at any Time hereafter possessed of any such Note or Bill, shall only utter the same by carrying the same for Payment to the Issuer or Issuers, Drawer or Drawers, Acceptor or Accepters, Indorser or Indorsers thereof respectively, or using proper Means to compel the Payment of any such Note or Bill.

No. 14.

18 George III. c. 18.—An Act to explain an Act, passed in the seventh Year of the Reign of his late Majesty King *George* the Second, intituled, “ An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange; or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money; or Warrants or Orders for Payment of Money or Delivery of Goods.”

WHEREAS Doubts have arisen whether the Punishment inflicted by an Act of Parliament, made and passed in the seventh Year of the Reign of his late Majesty King *George* the Second, intituled, “ An Act for the more effectual preventing the forging the Acceptance of Bills of Exchange; or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money; or Warrants or Orders for Payment of Money or Delivery of Goods,” on Persons guilty of the several Species of Forgery therein mentioned, extends to such Forgeries when committed with an Intention to defraud any Corporation; Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the twenty-fifth Day of March one thousand seven hundred and seventy-eight, shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting, any Acceptance of any Bill of Exchange, or the Number or principal Sum of any accountable Receipt for any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money or Delivery of Goods, with Intention to defraud any Corporation whatsoever; or shall utter or publish as true, any false, altered, forged, or counterfeited Acceptance of any Bill of Exchange, or accountable Receipt for any Note, Bill, or other Security for Payment of Money, or Warrant or Order for Payment of Money or Delivery of Goods, with Intention to defraud any Corporation whatsoever, knowing the same to be false, altered, forged, or counterfeited; every such Person, being thereof lawfully convicted, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

No. 14.
18 George III.
c. 18.

7 Geo. 2. c. 22.

Persons con-
victed of Ferg-
ing, &c. with
Intent to de-
fraud any Cor-
poration, shall
suffer Death.

No. 15.

P. 24 George III. stat. 2. c. 37.—An Act for granting to his Majesty certain additional Rates of Postage for Conveyance of Letters and Packets, by the Post, within the Kingdom of *Great Britain*; for preventing Frauds in the Revenue, carried on by the Conveyance of certain Goods in Letters and Packets; and for further preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from Postage.

No. 15.
24 George III. st. 2. c. 37.

Penalty on counterfeiting the Hand-writing of any Person in the Superscription of any Letter, in order to evade the Duty of Postage.

IX. AND be it further enacted, That if any Person whatsoever shall, from and after the End of this present Session of Parliament, forge or counterfeit the Hand-writing of any Person whatsoever, in the Superscription of any Letter or Packet to be sent by the Post, in order to avoid the Payment of the Duty of Postage, or shall forge, counterfeit, or alter, or shall procure to be forged, counterfeited, or altered, the Date upon the Superscription of any such Letter or Packet, or shall write and send by the Post, or cause to be written and sent by the Post, any Letter or Packet, the Superscription or Cover whereof shall be forged or counterfeited, or the Date upon such Superscription or Cover altered, in order to avoid the Payment of the Duty of Postage, knowing the same to be forged, counterfeited, or altered; every Person so offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall be transported for seven Years.

No. 16.

P. 32 George III. c. 33.—An Act for explaining and amending an Act, passed in the thirty-first Year of the Reign of his late Majesty King *George* the Second, intituled, “An Act for the Encouragement of Seamen employed in the Royal Navy, and for establishing a regular Method for the punctual, frequent, and certain Payment of their Wages; and for enabling them more easily and readily to remit the same for the Support of their Wives and Families; and for preventing Frauds and Abuses attending such Payments;” and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commissioned Officers of Marines, and Marines, serving, or who may have served, on Board any of his Majesty’s Ships.

No. 16. 32 George III. c. 33. XXIII. AND be it further enacted, That if any Person, from and after the said first Day of *August* one thousand seven hundred and ninety-two, shall falsely make, forge, or counterfeit, or cause or procure to be falsely made,

Persons com-

forged, or counterfeited, or willingly act and assist in the
 false making, forging, or counterfeiting, any Ticket for the
 Wages or Pay due to any Petty Officer or Seaman, Non-com-
 missioned Officer of Marines, or Marine, for his Services on
 Board any Ship or Vessel of his Majesty, his Heirs or Suc-
 cessors, or any Duplicate of any such Ticket, or any Certificate
 of Discharge from any Naval Hospital of his Majesty, his Heirs
 or Successors, or any Remittance Bill, or Duplicate of Remit-
 tance Bill, with Intention to receive any Wages, Pay, or other
 Allowances of Money, or Prize Money, due, or supposed to
 be due, for or on Account of the Service of any Petty Officer
 or Seaman, Non-commissioned Officer of Marines, or Marine,
 on Board any Ship or Vessel of his Majesty, his Heirs or Suc-
 cessors, or shall utter or publish as true any Ticket for the
 Wages or Pay due to any Petty Officer or Seaman, Non-com-
 missioned Officer of Marines, or Marine, for his Service on
 Board any Ship or Vessel of his Majesty, his Heirs or Suc-
 cessors, or any Duplicate of any such Ticket, or any Certificate
 of Discharge from any Naval Hospital of his Majesty, his
 Heirs or Successors, or any Remittance Bill, or Duplicate of
 Remittance Bill, with Intention to receive any Wages, Pay,
 or other Allowances of Money, or Prize Money, due, or sup-
 posed to be due, for or on Account of the Service of any Petty
 Officer or Seaman, Non-commissioned Officer of Marines, or
 Marine, on Board any Ship or Vessel of his Majesty, his Heirs
 or Successors, knowing the same to be false, forged, or coun-
 terfeited, then every such Person so offending, being lawfully
 convicted of any such Offence or Offences, shall be deemed
 guilty of Felony, and suffer Death as a Felon without Benefit
 of Clergy.

No. 17.

33 George III. c. 30.—An Act for the better prevent-
 ing Forgeries and Frauds in the Transfers of the
 several Funds transferrable at the Bank of *England*.
 —[30th April 1793.]

WHEREAS the Laws now in being have been found
 insufficient to prevent Forgeries and Frauds in the
 transferring Stocks, Annuities, and other publick Funds,
 transferrable at the Bank of *England*; And whereas, for the
 better preventing such Forgeries and Frauds in future, it is
 necessary that further Provision should be made, as well to
 prevent Frauds practised by Persons taking upon themselves
 to make Transfers, in the Books of the Governor and Com-
 pany of the Bank of *England*, of Stock or Annuities, or other
 Funds, transferrable as aforesaid, whereof such Persons are
 not the true Owners and Proprietors, as to prevent Forgeries
 of such Transfers in the Names of the true Owners or Pro-
 prietors: And whereas it is also necessary, the better to pre-

No. 17.
 33 George III.
 c. 30.

No. 17. 33 George III. c. 39. vent such Forgeries and Frauds, that the publick Accounts between the Governor and Company of the Bank of *England* and the several Owners and Proprietors of Stock, Annuities, and other Funds, transferrable at the Bank of *England*, should be secured from Falsification by Means of false Entries therein, or of the Alteration of any of the Words or Figures thereof, or by any other Ways or Means whatsoever: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the tenth Day of *May* one thousand seven hundred and ninety-three, if any Person or Persons shall wilfully make, or assist in making, any Transfer (1.) of any Interest, Part, or Share of or in any Stock or Stocks, Annuity or Annuities, or other Funds, transferrable at the Bank of *England*, in any of the Books of the said Governor and Company of the Bank of *England*, in which Transfers of Stock, Annuities, or other Funds, as aforesaid are made, in the Name or Names of any Person or Persons not being the Owner or Owners, or Proprietor or Proprietors, of such Stock, Annuities, or other Funds, transferrable as aforesaid, with Intent to defraud the said Governor and Company of the Bank of *England*, or any other Body Politick or Corporate, or any Person or Persons whatsoever, such Person or Persons so making, or assisting in making, such Transfer as aforesaid, shall be deemed guilty of Felony, and shall suffer Death as a Felon or Felons, without Benefit of Clergy.

Persons making, or assisting in making, Transfers of Stock in any other Names than the Owners, guilty of Felony;

also Persons forging, or assisting in forging, Transfers, &c.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, from and after the tenth Day of *May* one thousand seven hundred and ninety-three, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly act or assist in the falsely making, forging, or counterfeiting of any Transfer of any Interest, Part, or Share of or in any Stock or Stocks, Annuity or Annuities, or other Funds, transferrable, or which, by any Act or Acts of Parliament, shall hereafter be made transferrable, at the Bank of *England*, or of or in the Capital Stock belonging, or which hereafter shall or

(1.) An Indictment charging that W. H. was possessed of and intitled to £50 Interest on Sums in the Consolidated 3 per Cent. Annuities; the Prisoner did forge a Transfer, with the Name of the said W. H. subscribed thereto. It was objected, that it was required by Stat. 33 Geo. III. c. 28. that Persons to whom Transfers are made shall underwrite their Acceptance, and that no other Method of transferring shall be valid; and that for Want of this Compliance by W. H. he was not possessed, and that till Acceptance there could be no complete Transfer; and that the Instrument offered as a Transfer in the Name of W. H. was not witnessed: but ruled by the Judges, that the Stock vested in W. H. by the mere Act of transferring into his Name; that the Nature of the Offence would not have been altered if W. H. had not had any Stock; that the Entry and Signatures were a complete Transfer, without the Attestation of Witnesses, which was no Part of the Instrument, but only required by the Bank *ex abundanti Cautela*; Gade's Case, E. P. C. ch. 19. § 9; Leach, Ca. 293.

may belong to the said Governor and Company of the Bank of England, called *Bank Stock*, or shall utter or publish as true any such false, forged, or counterfeited Transfer as aforesaid, knowing the same to be false, forged, or counterfeited, with Intent to defraud the said Governor and Company of the Bank of England, or any other Body Politick or Corporate, or any Person or Persons whatsoever; all and every Person or Persons whatsoever so offending shall be deemed guilty of Felony, and shall suffer Death as a Felon or Felons without Benefit of Clergy.

III. And be it further enacted by the Authority aforesaid, and also Persons making, or assisting in making, false Entries in the Books of the Bank, &c.

That, from and after the said tenth Day of *May* one thousand seven hundred and ninety-three, if any Person or Persons shall wilfully make, or assist in making, any false Entry, or shall wilfully alter, or assist in altering, any Word or Figure in any Entry in the Books of Account kept by the said Governor and Company of the Bank of *England*, wherein the several Accounts of the Owners or Proprietors of Stock, Annuities, or other Funds, transferrable at the Bank of *England*, are entered and kept, or shall in any Manner wilfully falsify the Accounts of such Owners and Proprietors in the Books of the said Governor and Company, wherein such Accounts are entered and kept, with Intent to defraud the said Governor and Company of the Bank of *England*, or any other Body Politick or Corporate, or any Person or Persons whatsoever, every such Person or Persons so offending shall be deemed guilty of Felony, and shall suffer Death as a Felon or Felons without Benefit of Clergy.

IV. And whereas, in order to cover and conceal Forgeries and Frauds in Transfers, Dividend Warrants have out, &c. false Dividend Warrants to be really due; Be it therefore further enacted by the Authority transported for aforesaid, That if any Clerk, Officer, or Servant of, or other Person or Persons employed or intrusted by, the said Governor and Company shall, from and after the said tenth Day of *May* one thousand seven hundred and ninety-three, knowingly or willingly make out or deliver, or cause or procure to be made out or delivered, or willingly act or assist in the making out or delivering, of any Dividend Warrant for a greater or less Amount than the Person or Persons, on whose Behalf, or pretended Behalf, such Dividend Warrants shall be made out, is or are intitled to, with Intent to defraud the said Governor and Company of the Bank of *England*, or any other Body Politick or Corporate, or any Person or Persons whatsoever, all and every such Person or Persons so offending, and being in due Form of Law convicted of any such Offence or Offences as aforesaid, shall be transported for seven Years.

No. 18.

- 35 George III. c. 66.—An Act for making Part of certain Principal Sums or Stock and Annuities raised or created, or to be raised or created, by the Parliament of the Kingdom of *Ireland*, on Loans, for the Use of the Government of that Kingdom, transferable, and the Dividends on such Stock and Annuities payable at the Bank of *England*; and for the better Security of the Proprietors of such Stocks and Annuities, and of the Governor and Company of the Bank of *England*.—[19th. May 1795.]
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No. 19.

- 37 George III. c. 46.—An Act for making certain Annuities, created by the Parliament of the Kingdom of *Ireland*, transferable, and the Dividends thereon payable, at the Bank of *England*; and for the better Security of the Proprietors of such Annuities, and of the Governor and Company of the Bank of *England*.—[3d. May 1797.]

No. 20.

- 37 George III. c. 122.—An Act for the better preventing the forging or counterfeiting the Names of Witnesses to Letters of Attorney, or other Authorities or Instruments, for the Transfer of Stocks or Funds, which now are, or by any Act or Acts of Parliament shall hereafter be made, transferable at the Bank of *England*; or for the Transfer of any Part of the Capital Stock of the Governor and Company of the Bank of *England* called *Bank Stock*; or for the Transfer of any Part of the Capital Stock, or any Stocks or Funds under the Management of the *South Sea Company*; or for the Transfer of any Part of the Capital Stock of the *East India Company*; or for the Receipt of Dividends upon any of such Stocks or Funds.—[19th. July 1797.]

No. 20.
37 George III. c. 122.

WHEREAS by the several Acts of Parliament creating and authorizing the Transfer and Management of the Public Stocks, Funds, and Annuities, transferable at the Bank of *England*, it is provided, that all Assignments, or Transfers thereof, shall be entered and registered in Books to

be kept by the Accountant General of the Governor and Company of the Bank of *England*, which Entries shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his, her, or their Hand and Seal, or Hands and Seals, to be attested by two or more credible Witnesses; and the same Regulation is prescribed and observed with respect to the Attestation of Letters of Attorney for the Transfer of any Part of the Capital Stock of the said Governor and Company called *Bank Stock*: And whereas, by an Act of Parliament made and passed in the ninth Year of the Reign of her late Majesty Queen *Anne*, and by the Charter of the Company of Merchants of Great Britain trading to the *South Seas* and other Parts of *America*, and for encouraging the Fishery, commonly called *The South Sea Company*, and by several Acts of Parliament, creating and authorizing the Transfer and Management of the Stock of the said Company commonly called *South Sea Stock*, and other Stocks and Funds arising thereout, or transferrable at the *South Sea House*, it is provided, that all Assignments and Transfers thereof shall be entered and registered in Books kept by the said Governor and Company, which Entries shall be signed by the Parties making such Assignments and Transfers, or if such Parties be absent, by their respective Attorney or Attorneys, thereunto lawfully authorized in Writing under his, her, or their Hand and Seal, or Hands and Seals: And whereas all Assignments and Transfers of the Capital Stock of the United Company of Merchants of *England*, trading to the *East Indies*, are entered and registered in Books kept by the said United Company, and such Assignments and Transfers shall be signed by the Parties making the same; and if such Parties be absent, then by their respective Attorney or Attorneys, thereunto authorized in Writing under his or their Hand and Seal, or Hands and Seals: And whereas it is expedient that Provision should be made for the Prevention of all Frauds and Impositions upon the said respective Governors and Companies, and the said United Company, respecting the Transfer of, or the Receipt of Dividends upon, any of the Public Funds or Annuities, transferrable at the Bank of *England*, or of Bank Stock, or of the Capital Stock of the said *South Sea Company*, or of the said United Company, or any other Stocks or Funds arising thereout, or transferrable, or which shall hereafter be made transferrable, at the *South Sea House* or *East India House* respectively: Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons whatsoever shall, from and after the first Day of *August* one thousand seven hundred and ninety-seven, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or the Transfer, or

Persons forging
the Names of
Witnesses to
Instruments for

No. 20. counterfeited, or shall willingly act or assist in the falsely making, forging, or counterfeiting, the Name or Names, Hand Writing or Hands Writing, of any Person or Persons as, or purporting to be, the Witness or Witnesses attesting the Execution of any Letter of Attorney, or other Authority or Instrument, to transfer, assign, sell, or convey, any Interest, Part, or Share, of or in any Stock or Stocks, Annuity or Annuities, or other Funds, or the Dividends thereof, transferrable, or which, by any Act or Acts of Parliament, shall hereafter be made transferrable at the Bank of *England*, or of or in the Capital Stock belonging, or which hereafter shall or may belong, to the Governor and Company of the Bank of *England* called *Bank Stock*, or to the Governor and Company of Merchants of *Great Britain* trading to the *South Seas* and other Parts of *America*, and for encouraging the Fishery as aforesaid, or under their Care or Management, or of or in the Capital Stock belonging, or which hereafter shall or may belong, to the said United Company of Merchants of *England* trading to the *East Indies*, commonly called *East India Stock*, or of any Letter of Attorney, or other Authority or Instrument, to receive any Dividend or Dividends, on any of the said Stocks, Annuities, or other Funds, or shall utter or publish, as true, any such Letter of Attorney, or other Authority or Instrument, containing such false, forged, or counterfeited Name or Names, Hand Writing or Hands Writing, of such attesting Witness or Witnesses as aforesaid, knowing such Name or Names, Hand Writing or Hands Writing, to be false, forged, or counterfeited, all and every Person or Persons whatever so offending, and being in due Form of Law convicted of any such Offence or Offences as aforesaid, shall be adjudged guilty of Felony, and shall be transported for seven Years, or shall be adjudged to suffer such lesser Punishment as the Court, before whom such Offender or Offenders shall be tried, shall think fit to award.

Public Act: II. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of, by all Judges, Justices, and other Persons whomsoever, without the same being specially pleaded.

No. 21.

41 George III. c. 39.—An Act for the more effectually preventing the Forgery of Bank Notes, Bank Bills of Exchange, and Bank Post Bills.—[21st. May 1801.]

[Superseded by 45 Geo. III. c. 89.]

No. 22.

41 George III. c. 57.—An Act for the better Prevention of the Forgery of the Notes and Bills of Exchange of Persons carrying on the Business of Bankers.—[20th. June 1801.]

WHEREAS it is expedient to prevent the Crime of Forgery in all Parts of the United Kingdom of Great Britain and Ireland; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, in any Part of the United Kingdom of Great Britain and Ireland, from and after the tenth Day of July one thousand eight hundred and one, shall make or cause or procure to be made, or knowingly aid or assist in the making or using, of any Frame, Mould, or Part of any Frame or Mould, for the making of Paper, with the Name or Firm appearing visible in the Substance of the per, with the Paper, of any Person or Persons, Body Corporate, or other Banking Company or Partnership, carrying on the Business of Bankers, without an Authority in Writing for that Purpose from such Person or Persons, Body Corporate, or other Banking Company or Partnership, or from some Person or Persons duly authorized to give such Authority; or shall manufacture, make, vend, expose to sale, publish or dispose of, or cause or vend such Paper, or shall knowingly aid or assist in causing or procuring to be manufactured, made, vended, or exposed to sale, published or disposed of, any Paper having the Name or Firm, appearing visible in the Substance of the Paper, of any Person or Persons, Body Corporate, or other Banking Company or Partnership whatsoever, carrying on the Business of Bankers; or if any Person or Persons without such Authority, written or shall by any Art, Means, Mystery, or Contrivance, cause or printed, he shall procure, or shall knowingly aid or assist in causing or procuring the Name or Firm of any Person or Persons, Body Corporate, or other Banking Company or Partnership carrying on the Business of Bankers, to appear visible in the Substance of the Paper whereon the same shall be written or printed, every Person or Persons so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall for the first Offence be imprisoned for any Time not exceeding two Years nor less than six Months, and for the second Offence be transported to any of his Majesty's Colonies or Plantations for the Term of seven Years.

II. And be it further enacted, That if any Person or Persons, in any Part of the United Kingdom of Great Britain and Ireland, from and after the said tenth Day of July one thousand eight hundred and one, shall engrave, cut, etch, scrape, or by any other Means or Device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other Means or Device made, or shall knowingly aid or assist in the use any Plate to

No. 22.
41 George III.
c. 57.

After July 10,
1801, if any

make or use any
Frame or Mould

for making Pa-
per, without

Name or Firm
of any Bankers

appearing in the
Substance of the
Paper, without

a written Au-
thority for that

Purpose, or

shall make or

such Name or
Firm to appear

in the Substance
of the Paper

whereon the
same shall be

Bankers; or if any
Person or Persons

without such Au-
thority, written or

shall by any Art,
Means, Mystery,

or Contrivance,
cause or printed, he

shall be im-
prisoned for the
first Offence (from

two Years; and
for the second
Offence for six

Years.) and trans-
ported for seven

No. 22. engraving, cutting, etching, scraping, or by any other Means
 41 George III. or Device making, in or upon any Plate whatsoever, any Bill
 c. 57. of Exchange, Promissory Note, or other Note for the Payment
 engraved, or of Money, or Part of any Bill of Exchange, Promissory
 any Device for Note, or other Note for the Payment of Money, purporting
 making or to be the Bill of Exchange, Promissory Note, or other Note
 printing such for the Payment of Money, of any Person or Persons, Body
 Bill or Note, or Corporate, Banking Company or Partnership carrying on the
 shall knowingly Business of Bankers, without an Authority in Writing for that
 have such Plate, Purpose from such Person or Persons, Body Corporate, Bank-
 &c. in his Custody, or shall ing Company or Partnership, or some Person or Persons duly
 utter such Bill, authorized to give such Authority; or shall use any such Plate
 &c. so engraved, cut, etched, scraped, or by any other Means or
 Device made, or shall use any other Device for the making or
 printing any such Bill of Exchange, Promissory Note, or other Note for the Payment of Money, without such Authority in
 Writing as aforesaid; or if any Person or Persons shall, after
 the said tenth Day of *July* one thousand eight hundred and
 one, without such Authority as aforesaid, knowingly have in
 his, her, or their Custody, any such Plate or Device, or shall,
 without such Authority as aforesaid, knowingly and wilfully
 publish, dispose of, or put away any such Bill of Exchange,
 Promissory Note, or other Note for the Payment of Money;
 or Part of such Bill of Exchange, Promissory Note, or other Note for the Payment of Money; every Person so offending in
 any of the Cases aforesaid, and being convicted thereof according to Law, shall, for the first Offence, be imprisoned for
 any Time not exceeding two Years nor less than six Months,
 and for the second Offence be transported to any of his Majesty's Colonies or Plantations for the Term of seven Years.

If any Person shall engrave, &c. on any Plate any Subscriptions subjoined to any Bill or Note of any Person or Banking Company, payable to Bearer on Demand, or have in his Possession any such Plate, he shall for the first Offence be imprisoned, (from three Years to twelve Months,) and for the second transported for seven Years.

III. And be it further enacted, That if any Person or Persons in any Part of the United Kingdom of Great Britain and Ireland, from and after the tenth Day of July one thousand eight hundred and one, shall engrave, cut, or etch, or by any other Means or Contrivance trace with a Hair Stroke or other Mode of Delineation, on any Plate whatsoever, any of the Subscriptions subjoined to any Bill of Exchange, Promissory Note, or other Note for the Payment of Money, of any Person or Persons, Body Corporate, or other Banking Company or Partnership carrying on the Business of Bankers, to be payable to Bearer on Demand, or shall have in his, her, or their Possession any Plate with the Hair Strokes or other Delineation of any Subscription traced thereon, subjoined to any Bill of Exchange, Promissory Note, or other Note for the Payment of Money, purporting to be the Bill of Exchange and Promissory Note, or other Note for the Payment of Money, of any Person or Persons, Body Corporate, or other Banking Company or Partnership, carrying on the Business of Bankers, and to be payable to the Bearer on Demand, and shall not be able to prove that such Plate came into his, her, or their Possession without his, her, or their Knowledge or Consent, every Person so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall for the

first Offence be imprisoned for any Time not exceeding three Years nor less than twelve Months, and for the second Offence ^{41 George III,} be transported to any of his Majesty's Colonies or Plantations ^{c. 57.} for the Term of seven Years.

No. 23.

- 43 George III. c. 139.—An Act for preventing the forging and counterfeiting of foreign Bills of Exchange, and of foreign Promissory Notes and Orders for the Payment of Money; and for preventing the counterfeiting of foreign Copper Money.—[11th. August 1803.]

[Inserted Class III. No. 78.]

No. 24.

- 45 George III. c. 89.—An Act to alter and extend the Provisions of the Laws now in force for the Punishment of the Forgery of Bank Notes, Bills of Exchange, and other Securities, to every Part of Great Britain.—[10th. July 1803.]

WHEREAS by an Act, passed in the second Year of the Reign of his late Majesty King George the Second, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money;" and also by an Act, passed in the seventh Year of the Reign of his said Majesty King George the Second, intituled, "An Act for the more effectual preventing the forging or Acceptance of Bills of Exchange, or the Numbers or principal Sums of accountable Receipts for Notes, Bills, or other Securities for Payment of Money, or Warrants or Orders for Payment of Money or Delivery of Goods;" and also by an Act, passed in the thirty-first Year of the Reign of his said Majesty King George the Second, intituled, "An Act for granting to his Majesty several Rates and Duties upon Offices and Pensions, and upon Houses, and upon Windows or Lights, and for raising the Sum of five Millions by Annuities and a Lottery, to be charged on the said Rates and Duties;" and also by an Act, passed in the fifteenth Year of the Reign of his said Majesty King George the Second, intituled, "An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of one million six hundred thousand Pounds towards the Supply for the Service of the Year one thousand seven hundred and forty-two;" and also by an Act, passed in the forty-first Year of the Reign of

No. 24.
45 George III.
c. 89.

2 G. 2. c. 25.

7 G. 2. c. 22.

31 G. 2. c. 22.

15 G. 2. c. 13.

41 G. 3. (U.K.)
c. 39.

No. 24. his present Majesty King George the Third, intituled, "An Act for the more effectually preventing the Forgery of Bank Notes, Bank Bills of Exchange, and Bank Post Bills," certain Provisions were made and enacted for the preventing and punishing the Forgery of Bank Notes, and other Notes, Bills, and Instruments, in these Acts respectively mentioned: And whereas it is expedient that such Provisions should extend and be in force in every Part of Great Britain, with such Alterations and Amendments thereto as are hereby made; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the passing of this Act, falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any Deed, Will, Testament, Bond, Writing obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, Acceptance of any Bill of Exchange, or any Acquittance or Receipt either for Money (1.) or Goods, or any accountable Receipt (2.) for any Note, Bill, or other Security for Payment of Money, or any Warrant or Order (3.) for Payment of Money or Delivery of

Persons forging Deeds or Wills, or Securities, Receipts, or Orders for Money, &c. or uttering any such with Intent to defraud any Person or Corporation, guilty of Felony without Clergy.

(1.) "Received the Contents above," subjoined to an Account, held a Receipt for Money; and that it was not necessary to set out the Account in the Indictment; *Testick's Case*, E. P. C. ch. 19. § 36.

A Receipt for Bank Notes not a Receipt for Money; *Harrison's Case*, Leach, Ca. 91; *East*, ub. supia. A Signature of a Name, subscribed to a Navy Bill and Assignment, cannot be charged as a Receipt without connecting it as such with the Navy Bill by Averment; *Hunter's Case*, East, *ibid.*; Leach, Ca. 273.

A Receipt for Scrip, with a Blank for the Name of the Person of whom received, is not a Receipt for Money; *Lyon's Case*, East *ibid.*; Leach, Ca. 267. The Forgery of Receipts as given to an Executor or an Accountant for Money as paid by him, made by a Person undertaking to pass his Accounts, in order to get rid of an Extent, is within the Act; *Thomas's Case*, East, *ibid.*

(2.) An Entry in a Banker's Book of Monies, as paid into the Bank by a Customer, said to be an accountable Receipt; *Harrison's Case*, Leach, Ca. 91; admitted, *Lyon's Case*, Leach, Ca. 273; E. P. C. ch. 19. § 36.

(3.) See E. P. C. ch. 19. § 37. The Warrant or Order must appear on the Face of it, or by Averment, to be made by a Person having Authority to give such Order; and not a mere Request to deliver Goods on Credit, undertaking to be responsible; *R. v. Mitchell*, Foster 119; *Williams's Case*, Leach, Ca. 69. So a Note soliciting Money; *Elliot's Case*, Leach, Ca. 156.

In addition to the above Point, it was held in *Chrich's Case*, Leach, Ca. 244. that an Order must be directed to some Person; and that stating an Order to be made by the Servant of the Owner of the Goods is not sufficient, without shewing an Authority in the Servant to give such Order. But if an Order (as the Draft on a Banker) appears on the Face of it to be made by a Person assuming a Right to give it, it is sufficient, although there may be no such Person in Existence; *Lockett's Case*, Leach, Ca. 53; *Abraham's Case*, Leach, Ca. 38.

The particular Goods need not be specified;—"Deliver my Work to the Brarer," held sufficient, where a Silversmith had sent Goods to the Plate Office to be stamped; *Jones's Case*, 1 Leach, 53; *East*, ch. 19. § 39. There

Goods, with Intention to defraud any Person or Persons, Body or Bodies Politick or Corporate whatsoever; or shall offer, dispose of, or put away any false, forged, counterfeited, or altered Deed, Will, Testament, Bond, Writing obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange or Promissory Note for Payment of Money, Acceptance of any Bill of Exchange, Acquittance, or Receipt, either for Money or Goods, accountable Receipt for any Note, Bill, or other Security for Payment of Money, Warrant or Order for Payment of Money or Delivery of Goods, with Intention to defraud any Person or Persons, Body or Bodies Politick or Corporate, knowing the same to be false, forged, counterfeited, or altered, then every Person or Persons so offending, and being thereof lawfully convicted according to the due Course of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

II. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, forge, uttering Bank counterfeit, or alter any Bank Note, Bank Bill of Exchange, Notes, Dividend Warrant, or any Bond or Obligation under the Common Seal of the Governor and Company of the Bank of England, or any Indorsement thereon, or shall offer or dispose of or put away any such forged, counterfeit, or altered Note, Bill, Dividend Warrant, Bond, or Obligation, or the Indorsement thereon, or demand the Money therein contained or pretended to be due thereon, or any Part thereof, of the said Company, or any their Officers or Servants, knowing such Note, Bill, Dividend Warrant, Bond, or Obligation, or the Indorsement thereon, to be forged, counterfeited, or altered, with Intent to defraud the said Governor and Company, or their Successors, or any other Person or Persons, Body or Bodies Politick or Corporate whatsoever, every Person or Persons so offending, and being thereof convicted in due Form of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

III. And be it further enacted, That if any Person or Persons (other than the Officers, Workmen, Servants or Agents for the Time being of the Governor and Company of the Bank of England, to be authorized and appointed for that Purpose by any Frame, &c. does not appear to have been, in that Case, any special Averment of their being any Goods to which the Order could apply. An Order from a Seaman, for the Payment of his Prize Money, without specifying the Amount, and although not made in Conformity with the Regulations of 32 Geo. III. c. 34. respecting Prize Money, held an Order for Payment of Money; Mackintosh's Case, East, ch. 19, § 39. A Bill of Exchange may be stated as an Order for Payment of Money; R. v. Shepperd, Leach, Ca. 113; Willoughby's Case, (on an Indictment for Larceny) East, ch. 16, § 40. An Order of a Magistrate to pay the Reward of 10s. for apprehending a Vagrant, was held within the Act, (7 Geo. II. c. 22) although objected that by 17 Geo. II. c. 5 § 5. the Officer was subject to a pecuniary Penalty, and that that Act was subsequent to 7 Geo. II. upon which the Felony was charged. This general Objection is allowed in several other Cases; but Q. Whether it can be now applied to the particular Case, the general Offence of forging Orders being a Felony by 45 Geo. III?

No. 24.
45 George III.
c. 89.

No. 24. the said Governor and Company, and for the Use of the said Governor and Company only) shall, from and after the passing of this Act, make or use, or cause or procure to be made or used, or knowingly aid or assist in the making or using, or (without being authorized or appointed as aforesaid) shall knowingly have in his, her, or their Custody or Possession (without lawful Excuse, the Proof whereof shall lie upon the Party accused) any Frame, Mould, or Instrument for the making of Paper with curved or waving Bar Lines, or with the laying Wite Lines thereof in a waving or curved Shape, or with any Number, Sum, or Amount, expressed in a Word or Words in Roman Letters visible in the Substance of such Paper; or shall manufacture, make, use, vend, expose to Sale, publish, or dispose of, or cause or procure to be manufactured, made, used, vended, exposed to Sale, published, or disposed of, or aid or assist in the manufacturing, making, using, vending, exposing to Sale, publishing, or disposing of, or (without being authorized or appointed as aforesaid) shall knowingly have in his, her, or their Custody or Possession, any Paper whatsoever with curved or waving Bar Lines, or with the laying Wite Lines thereof in a waving or curved Shape, or having any Number, Sum, or Amount expressed in a Word or Words in Roman Letters appearing visible in the Substance of such Paper; or if any Person or Persons (except as before excepted) shall, by any Art, Mystery, or Contrivance, cause or procure the Numerical Sum or Amount of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, Blank Bank Note, Blank Bank Bill of Exchange, or Blank Bank Post Bill, in a Word or Words to appear visible in the Substance of the Paper whereon the same shall be written or printed; or shall knowingly aid or assist in causing the Numerical Sum or Amount of any Bank Note, Bank Bill of Exchange, or Bank Post Bill, Blank Bank Note, Blank Bank Bill of Exchange, or Blank Bank Post Bill, in a Word or Words in Roman Letters to appear visible in the Substance of the Paper whereon the same shall be written or printed, every Person or Persons so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall be adjudged a Felon, and shall be transported for the Term of fourteen Years.

*Not to restrain
the issue, &c.
of Bills with
the Amount ex-
pressed in Guineas,
or Pounds
Sterling in
Figures in the
Paper.*

IV. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to restrain any Person or Persons from issuing or negotiating any Bill or Bills of Exchange, Promissory Note or Promissory Notes, having the Sum or Amount thereof expressed in Guineas, or in a Numerical Figure or Figures, denominating the Sum or Amount thereof in Pounds Sterling, appearing visible on the Substance of the Paper upon which the same shall be written or printed; any Thing herein contained to the contrary thereof in anywise notwithstanding.

*Not to restrain
Persons from
making or*

V. Provided also, and be it further enacted, That nothing in this Act contained shall restrain or prevent any Per-

son or Persons from making, using, vending, exposing to Sale, publishing, or disposing of any Paper having waving or curved Lines, or any other Devices in the Nature of Watermarks visible in the Substance of the Paper, not being Bar Lines or laying Wire Lines, provided the same are not contrived in such Manner as to form the Ground-work or Texture of the Paper, or to imitate or resemble the waving or curved laying Wire Lines or Bar Lines of the said Paper of the Governor and Company of the Bank of England, or to imitate or resemble the Watermarks used by the Governor and Company of the Bank of England in the Bank Notes, Bank Bills of Exchange, and Bank Post Bills, issued by the said Governor and Company; any Thing herein contained to the contrary thereof in anywise notwithstanding.

VI. And be it further enacted, That if any Person or Persons knowingly receiving or receive from any other Person or Persons any forged or counterfeited Bank Note, Bank Bill of Exchange, Bank Post &c., or Blank Bill, or Blank Bank Note, Blank Bank Bill of Exchange, or Blank Bank Post Bill, knowing the same to be forged or counterfeited; or shall knowingly or unwittingly have in his, her, or their Possession or Custody, or in his, her, or their Dwelling House, Outhouse, Lodgings, or Apartments, any forged or counterfeited Bank Note, Bank Bill of Exchange, or Bank Post Bill, or Blank Bank Note, Blank Bank Bill of Exchange, or Blank Bank Post Bill, knowing the same to be forged or counterfeited (without lawful Excuse, the Proof whereof shall lie upon the Person accused) every Person or Persons so offending, and being thereof convicted according to Law, shall be adjudged a Felon, and shall be transported for the Term of fourteen Years.

VII. And be it further enacted, That if any Person or Persons, from and after the passing of this Act, shall engrave, cut, etch, scrape, or by any other Means or Device make, &c. any Bank or shall cause or procure to be engraved, cut, etched, scraped, Note, Blank or by any other Means or Device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping, or using any such by any other Means or Device, making, in or upon any Plate Device for of Copper, Brass, Steel, Pewter, or of any other Metal or Mixture of Metals, or upon any Wood or any other Materials, printing any or any Plate whatsoever, any Bank Note, Bank Bill of Exchange, Bank Post Bill, or Blank Bank Note, Blank Bank Post Bill, or Part of a Bank Note, or any Note, Bank Bill of Exchange, or Bank Post Bill, purporting such Note; or to be the Note, or Bill of Exchange, or Bank Post Bill, or uttering any Blank Bank Note, or Blank Bank Bill of Exchange, or Blank Bank Post Bill, or Part of the Note, or Bill of Exchange, or Bank Post Bill of the Governor and Company of the Bank of England, without an Authority in Writing for that Purpose from the said Governor and Company of the Bank of England; or shall use any such Plate so engraved, cut, etched, scraped, or by any other Means or Device made, or shall use any other

No. 24. Instrument or Device for the making or printing any such Bank Note, Bank Bill of Exchange, or Bank Post Bill, or Blank Bank Note, or Blank Bank Bill of Exchange, or Blank Bank Post Bill, or Part of a Bank Note, or Bank Bill of Exchange, or Bank Post Bill, without such Authority in Writing as aforesaid; or if any Person or Persons shall, from and after the passing of this Act, without such Authority as aforesaid, knowingly have in his, her or their Custody any such Plate, Instrument or Device, or shall, without such Authority as aforesaid, knowingly and wilfully utter, publish, dispose of, or put away any such Blank Bank Note, Blank Bank Bill of Exchange, or Blank Bank Post Bill, or Part of such Bank Note, Bank Bill of Exchange, or Bank Post Bill, every Person so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall be adjudged a Felon, and shall be transported for the Term of fourteen Years.

Act shall extend to the Whole of Great Britain.

VIII. And be it further enacted, That all and every the Clauses and Provisions in this Act contained shall extend, and be deemed and construed to extend by all Courts, Judges, and Magistrates whatsoever, to every Part of *Great Britain*; any Thing herein-before contained, or any Law, Statute, or Usage to the contrary notwithstanding.

No. 25.

p. 52 George III. c. 138.—An Act for the further Prevention of the counterfeiting of Silver Tokens issued by the Governor and Company of the Bank of *England*, called *Dollars*, and of Silver Pieces issued and circulated by the said Governor and Company, called *Tokens*; and for the further Prevention of Frauds practised by the Imitation of the Notes or Bills of the said Governor and Company.—[20th. July 1812.]

No. 25. v. A ND whereas divers Frauds have been practised by making and publishing Papers with certain Words and Characters so nearly resembling the Notes and Bills of the Governor and Company of the Bank of *England*, as to appear to ignorant and unwary Persons to be the Notes or Bills of the said Governor and Company; for Prevention whereof be it enacted, That if any Person, from and after the first Day of *August* one thousand eight hundred and twelve, shall engrave, cut, etch, scrape, or by any other Means or Device make, or shall cause or procure to be engraved, cut, etched, scraped, or by any other Means or Device made, or shall knowingly aid or assist in the engraving, cutting, etching, scraping or by any other Means or Device making, in or upon any Plate of Copper, Brass, Steel, Pewter, or of any other Metal or Mixture of Metals, or upon Wood or any other Materials, or upon any Plate whatsoever, any Word or

Punishment of Persons engraving any Plate, &c. the Impression taken from which shall resemble Bank Notes, or uttering any Paper resembling such Notes.

Words, Figure or Figures, Character or Characters, the Impression taken from which shall resemble or be apparently intended to resemble the Whole or any Part of any of the Notes or Bills of the said Governor and Company commonly called *Bank Notes* and *Bank Post Bills*, or shall contain any Word, Number, Figure, or Character in White on a black, sable, or dark Ground, without an Authority in Writing for that Purpose from the said Governor and Company, to be produced and proved by the Party accused, or shall (without such Authority as aforesaid) use any such Plate, Wood, or other Material so engraved, cut, etched, scraped, or by any other Means or Device made, or shall use any other Instrument or Device for the making or printing upon any Paper or other Material, any Word or Words, Figure or Figures, Character or Characters, which shall be apparently intended to resemble the Whole or any Part of any of the said Notes or Bills of the said Governor and Company, or any Word, Number, Figure, or Character in White on a black, sable, or dark Ground; or if any Person or Persons shall, from and after the first Day of August one thousand eight hundred and twelve, (without such Authority as aforesaid), knowingly have in his, her, or their Custody, any such Plate, Instrument, or Device, or shall knowingly and wilfully utter, publish, or dispose of or put away any Paper or other Material containing any such Word or Words, Figure or Figures, Character or Characters as aforesaid, or shall knowingly or wiltingly have in his, her, or their Custody or Possession, any Paper or other Material containing any such Word or Words, Figure or Figures, Character or Characters as aforesaid, (without lawful Excuse, the Proof whereof shall lie upon the Person accused), every Person so offending in any of the Cases aforesaid, and being convicted thereof according to Law, shall be adjudged a Felon, and shall be transported for the Term of fourteen Years.

No. 26.

52 George III. c. 143.—An Act for amending and reducing into one Act, the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting his Majesty's Revenue in Great Britain.—[23d. July 1812.]

[See Class XIV. post.]

No. 25.
52 George III.
c. 143.

PART V. CLASS XIII.

PIRACY, AND OFFENCES COMMITTED ON THE HIGH SEAS.

No. 1.

15 Richard II. c. 3.—In what Places the Admiral's Jurisdiction doth lie.

No. 1. "ITEM, At the great and
 15 Richard II. c. 3. "I grievous Complaint of all
 "the Commons made to our
 "Lord the King in this pre-
 sent Parliament, for that the
 "Admirals and their Deputies
 "do encroach to them divers
 "Jurisdictions, Franchises, and
 "many other Profits pertain-
 ing to our Lord the King,
 "and to other Lords, Cities
 "and Boroughs, other than
 "they were wont or ought to
 "have of Right, to the great
 "Oppression and Impoverish-
 "ment of all the Commons of
 "the Land, and Hindrance
 "and Loss of the King's Pro-
 fits, and of many other
 "Lords, Cities, and Boroughs
 "through the Realm;" it is
 "declared, ordained, and
 "established, That of all Man-
 ner of Contracts, Pleas, and
 "Quarrels, and all other
 "Things rising within the
 Bodies of the Counties, as
 well by Land as by Water,
 "and also of Wreck of the

Ex Rot. in Turr. Lond.
 ITEM a la grant et grevous
 complaint de tout la com-
 mune fait a nostre Seignur le
 Roi en cest present parlement
 de ce qe les Admirals et lour
 deputees accrochent a eux di-
 verses jurisdictions franchises
 er plusours autres profitz qe
 appartiegnent a nostre Seig-
 nur le Roi et as autres Seig-
 nars citees et burghs autres
 qils ne soloient ne ne deve-
 roient avoir de droit a tres-
 grant oppression et empove-
 rissement de toute la commune
 de la terre et arrerissement et
 perde des profitz nostre Seig-
 nur le Roi et de plusours autres
 Seignurs citees et burgs parmy
 le Roialme declarez est or-
 deignez et establi qe de toutes
 maneres contractz plees et que-
 relles et de toutes autres chosc
 faitz ou sourdantz deinz les
 corps des countees sibien par
 terre come par eawe et aussint
 de wrek de meer la court de
 ladmirall eit nulle manere co-
 nissance poair ne jurisdiction

Ex Rot. in Turr. Lond.
mes soient toutz tielz maneres
contractes plees et querelles et
toutez autres choses sourdantz
deinz les corps des countees
sibien par terre come par eawe
come desuis et auxint wrek de
meer triez terminez discus et
remediez par les loyes de la
terre et nemye devant ne
par ladmiral ne son lieutenant
en nulle manere. Nientmeyus
de mort de homme et de ma-
heym feitz es grosses niefs es-
teantz et hoverantz en my le
haut fil des grosses rivers tant-
soulement paraval les pountz
de mesmes les rivres pluis
proscheins al meer et en nul
autre lieu de mesmes les rivers
et ladmiral conissance et
auxint daest des niefs en les
grantz fletz pur grantz viages
du Roi et de Roialme sauvant
au Roi toutz maneres forfa-
tures et profitz en provenantz
Et eit ensement jurisdiction sur
les dites fletz durantz les dites
viages tantsolement Sauvant
toutdis as Seignurs citees et
burgs lour libertees et fran-
chises.

Sea, the Admiral's Court No. 1.
shall have no manner of Cog- 15 Richard II.
nizance, Power, nor Juris- c. 3.
diction; but all such manner
of Contracts, Pleas, and
Quarrels, and all other
Things rising within the Bo-
dies of Counties, as well by
Land as by Water, as afore,
and also Wreck of the Sea,
shall be tried, determined,
discussed, and remedied by
the Laws of the Land, and
not before nor by the Admi-
ral, nor his Lieutenant in
any wise. Nevertheless, of
the Death of a Man, and of
a Maihem done in great
Ships, being and hovering in
the main Stream of great
Rivers, only beneath the
Bridges of the same Rivers
nigh to the Sea, and in none
other Places of the same
Rivers, the Admiral shall
have Cognizance, and also
to arrest Ships in the great
Flotes for the great Voyages
of the King and of the Realm;
saving always to the King all
Manner of Forfeitures and
Profits thereof coming: And
he shall have also Jurisdiction
upon the said Flotes, during
the said Voyages only, sav-
ing always to the Lords, Ci-
ties, and Boroughs their Li-
berties and Franchises.'

No. 2.

27 Henry VIII. c. 4.—For Pirates and Robbers on the
Sea.

WHERE Pirates, Thieves, Robbers and Murtherers upon the Sea, many Times escape unpunished, be- 27 Henry VIII.
cause the Trial of their Offences hath heretofore been order- c. 4.
ed before the Admiral, or his Lieutenant or Commissary, The Inconve-
after the Course of the Civil Laws, the Nature whereof is, niences of the
that before any Judgement of Death can be given against the Trial of Piracy
after the Course

No. 2.
27 Henry VIII. c. 4.
of the Civil Law.

Offenders, either they must plainly confess their Offence, (which they will never do without Torture or Pains) or else their Offences be so plainly and directly proved by Witnesses indifferent, such as saw their Offences committed, which cannot be gotten but by Chance at few Times, because such Offenders commit their Offences upon the Sea, and at many Times murther and kill such Persons being in the Ship or Boat where they commit their Offences, which should bear Witness against them in that Behalf, and also such as should bear Witness be commonly Mariners and Shipmen, which for the most Part cannot be gotten ne had always ready to testify such Offences, because of their often Voyages and Passages in the Seas, without long tarrying or Protraction of Time, and great Costs and Charges, as well of the King's Highness, as of such as would pursue such Offenders; For Reformation whereof, be it enacted by Authority of this present Parliament, That all such Offences done in or upon the Sea, or in any other Haven, River or Creek where the Admiral or Admirals pretend to have Jurisdiction, shall be inquired, tried, heard and determined in such Shires and Places in this Realm as shall be limited by the King's Commission to be directed for the same, in like Form and Condition as if such Offences had been done on the Land, and that such Commissions shall be had under the King's Great Seal, directed to the Lord Admiral or Admirals, or to his or their Lieutenant, Deputy or Deputies, and to three or four such other substantial Persons as shall be named by the Lord Chancellor for the Time being, as often as Need shall require, to hear and determine such Offences after the common Course of the Laws of the Land used for Felonies done and committed within this Realm.

Before what Persons Offences committed upon the Sea shall be heard and determined,

By what Jurors the same Offences shall be inquired of.

The Trial, Judgment and Forfeiture of Offenders in Piracy.

II. And be it enacted by the Authority aforesaid, That such Persons to whom such Commissions shall be directed, or three of them at the least, shall have full Power and Authority to inquire of such Offences, by the Oaths of twelve good and lawful Men inhabited in the Shire limited in their Commission, in such like Manner and Form as if such Offences had been committed upon the Land within the same Shire; and that every Indictment found and presented before such Commissioners, of any Felonies, Robberies, Murthers or Manslaughters done upon the Seas, or in or upon any other Haven, River or Creek, shall be good and effectual in the Law; and if any Person or Persons happen to be indicted for any such Offence done or hereafter to be done upon the Seas, or in any other Places above limited, that then such Order, Process, Judgment and Execution shall be used, had, done and made, to and against every such Person and Persons so being indicted, as against Felons and Murtherers for Murther or Felony done upon the Land, as by the Laws of this Realm is accustomed; and that the Trial of such Offence, if it be denied by the Offenders, shall be had by twelve Men inhabited in the Shire limited within such Commission, which shall be directed as is aforesaid, and no Challenge to be had for the Hundred.

and such as shall be convict of any such Offence, by Verdict, No. 2.
 Confession or Process, by Authority of any such Commission, 27 Henry VIII.
 shall have and suffer such Pains of Death, Losses of Lands,
 Goods and Chattels, as if they had been convict of any Felonies
 or Murthers done upon the Lands. c. 4.

III. And be it enacted by Authority aforesaid, That for Clergy shall not be allowed to Robberies, Felonies and Murthers done upon the Seas, or in Pirates. any other Places above rehearsed, the Offenders shall not be admitted to have the Benefit of their Clergy, but be utterly excluded thereof, and also of the Privilege of any Sanctuary.

IV. Provided alway, That this Act extend not to be prejudicial or hurtful to any Person or Persons for taking of Things taken upon the Sea by any Victuals, Cables, Ropes, Anchors or Sails, which any such Person or Persons, compelled by Necessity, taketh of or in any other Ship, which may conveniently spare the same, so that the same Person or Persons pay out of Hand for the same Victual, Cables, Ropes, Anchors or Sails, Money or Money-worth, to the Value of the Thing so taken, or deliver for the same a sufficient Bill Obligatory to be paid in Form following; that is to say, if the taking of the same Things be on this Side the Straits of Marrock, then to be paid within four Months; and if it be beyond the said Straits of Marrock, then to be paid within twelve Months next ensuing the making of such Bills; and that the Makers of such Bills well and truly pay the same Debt at the Day to be limited within the said Bills.

V. Provided alway, That whosoever any such Commission for the Punishment of the Offences aforesaid shall be directed into the Five Ports. directed or sent to any Place within the Jurisdiction of the Five Ports, that then every such Commission shall be directed unto the Lord Warden of the same Ports for the Time being, or to his Deputy, and unto three or four such other Person or Persons as the Lord Chancellor for the Time being shall name and appoint; any Thing in this present Act to the contrary thereof in any wise notwithstanding.

VI. Provided also, That whosoever any Commission shall be directed into the Five Ports for the Inquisition and Trial of any of the Offences expressed in this Act, that every such Inquisition and Trial to be had by Virtue of such Commission, shall be made and had by the Inhabitants in the said Five Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

No. 3.

28 Henry VIII. c. 15.—For Pirates.

WHERE Traytors, Pirates, Thieves, Robbers, Mur- therers and Confederates upon the Sea, many Times escaped unpunished, because the Trial of their Offences hath heretofore been ordered, judged and determined before the Admiral, or his Lieutenant or Commissary, after the Course

No. 3.

28 Henry VIII.

c. 15.

No. 9. of the Civil Laws, the Nature whereof is, that before any
 28 Henry VIII. Judgement of Death can be given against the Offenders,
 c. 15. either they must plainly confess their Offences (which they
 will never do without Torture or Pains) or else their Offen-
 ces be so plainly and directly proved by Witness indifferent,
 such as saw their Offences committed, which cannot be
 gotten but by Chance at few Times, because such Offenders
 commit their Offences upon the Sea, and at many Times
 murther and kill such Persons being in the Ship or Boat
 where they commit their Offences, which should witness
 against them in that Behalf; and and also such as should bear
 Witness be commonly Mariners and Shipmen, which, be-
 cause of their often Voyages and Passages in the Seas, de-
 part without long tarrying and Protraction of Time, to the
 great Costs and Charges as well of the King's Highness, as
 such as would pursue such Offenders: For Reformation
 whereof, be it enacted by the Authority of this present Par-
 liament, That all Treasons, Felonies, Robberies, Murthers,
 and Confederacies hereafter to be committed in or upon the
 Sea, or in any other Haven,(1.) River, Creek or Place where
 the Admiral or Admirals have or pretend to have Power, Au-
 thority or Jurisdiction, shall be inquired, tried, heard, deter-
 mined and judged, in such Shires and Places in the Realm, as
 shall be limited by the King's Commission or Commissions to
 be directed for the same, in like Form and Condition, as if
 any such Offence or Offences had been committed or done in
 or upon the Land; and such Commissions shall be had under
 the King's Great Seal, directed to the Admiral or Admirals, or
 to his or their Lieutenant, Deputy and Deputies, and to three
 or four such other substantial Persons, as shall be named
 or appointed by the Lord Chancellor of *England* for the Time
 being, from Time to Time, and as oft as Need shall require,
 to hear and determine such Offences after the common Course
 of the Laws of this Realm, used for Treasons, Felonies, Mur-
 thers, Robberies and Confederacies of the same, done and
 committed upon the Land within this Realm.

The Com-
missioners' Auth-
ority.

II. And be it enacted by the Authority aforesaid, That
 such Persons to whom such Commission or Commissions shall
 be directed, or four of them at the least, shall have full Power
 and Authority to enquire of such Offences, and of every of
 them, by the Oaths of twelve good and lawful Inhabitants
 in the Shire limited in their Commission, in such like Man-
 ner and Form, as if such Offences had been committed upon
 the Land within the same Shire; and that every Indictment,
 found and presented before such Commissioners, of any Treas-
 ons, Felonies, Robberies, Murthers, Manslaughters, or such
 other Offences, being committed or done in or upon the Seas,
 or in or upon any other Haven, River or Creek, shall be good
 and effectual in the Law; and if any Person or Persons hap-

(1.) The Courts of Common Law have a concurrent Jurisdiction over Offences committed in Milford Haven, and in other Havens, Creeks and Rivers of this Realm; *R. v. Bruce, Leach, Case 353, 4th. Ed.*

pen to be indicted for any such Offence done or here-
after to be done upon the Seas, or in any other Place above ^{28 Henry VIII.}
limited, that then such Order, Process, Judgment and Ex-
ecution shall be used, had, done and made, to and against
every such Person and Persons so being indicted, as against
Traitors, Felons and Murtherers, for Treason, Felony, Rob-
bery, Murther or other such Offences done upon the Land, as
by the Laws of this Realm is accustomed; and that the
Trial of such Offence or Offences, if it be denied by the
Offender or Offenders, shall be had by twelve lawful Men inha-
bitated in the Shire limited within such Commission, which
shall be directed as is aforesaid, and no Chal'enge or Chal-
lenges to be had for the Hundred; and such as shall be ^{The Punish-}
convict of any such Offence or Offences, by Verdict, Con-
fession or Process, by Authority of any such Commission,
shall have and suffer such Pains of Death, Losses of Lands,
Goods and Chattles, as if they had been attainted and con-
victed of any Treasons, Felonies, Robberies, or other the said
Offences done upon the Lands.

III. And be it enacted by Authority aforesaid, That
for Treasons, Robberies, Felonies, Murthers and Confederacies
done upon the Sea or Seas, or in any Place above re-
hearsed, the Offenders shall not be admitted to have the
Benefit of his or their Clergy, but be utterly excluded there-
of and from the same, and also of the Privilege of any Sanc-
tuary.

IV. Provided alway, That this Act extend not to be pre- Taking of
judicial or hurtful to any Person or Persons for taking any Vic- Things that
tual, Cables, Ropes, Anchors or Sails, which any such Person may be spared
or Persons (compelled by Necessity) taketh of or in any Ship upon Necessity,
which may conveniently spare the same, so the same Person and paying for
or Persons pay out of Hand for the same Victual, Cables,
Ropes, Anchors or Sails, Money or Money-worth to the Value
of the Thing so taken, or do deliver for the same a sufficient
Bill obligatory to be paid in Form following, that is to say, If
the taking of the same Things be on this Side the Straits
of Marroke, then to be paid within four Months, and if it be
beyond the said Straits of Marroke, then to be paid within
twelve Months next ensuing the making of such Bills, and
that the Makers of such Bills well and truly pay the same Debt
at the Day to be limited within the said Bills.

V. Provided alway, That whosoever any such Commis- Commissions
sion for the Punishment of the Offences aforesaid, or of any of directed into
them, shall be directed or sent to any Place within the Juris- any Place
diction of the Five Ports, that then every such Commission within the Five
Ports, shall be directed unto the Lord Warden of the said Ports for
the Time being, or to his Deputy, and unto three or four such
other Person or Persons, as the Lord Chancellor for the Time
being shall name and appoint; any Thing in this present Act
to the contrary notwithstanding.

VI. Provided alway, That whosoever any Commission
shall be directed unto the Five Ports for the Inquisition and

No. 3. Trials of any the Offences expressed in this Act, that every
 28 Henry VIII. such Inquisition and Trial to be had by Virtue of such Com-
 c. 15. * mission, shall be made and had by the Inhabitants in the said
 Five Ports, or the Members of the same; any Thing in this
 Act to the contrary thereof notwithstanding.

No. 4.

11 and 12 William III. c. 7.—An Act for the more effectual Suppression of Piracy.

No. 4.
 11 and 12 William III. c. 7.
 28 H. 8. c. 15.

WHEREAS by an Act of Parliament made in the twenty-eighth Year of the Reign of King *Henry the Eighth*, it is enacted, That Treasons, Felonies, Robberies, Murders, and Confederacies committed on the Sea, shall be enquired of, tried, and determined according to the common Course of the Laws of this Land used for such Offences upon the Land within this Realm; whereupon the Trial of those Offenders before the Admiral, or his Lieutenant, or his Commissary, hath been altogether disused: And whereas, that since the making of the said Act, and especially of late years, it hath been found by Experience, that Persons committing Piracies, Robberies, and Felonies on the Seas, in or near the East and West Indies, and in Places very remote, cannot be brought to condign Punishment without great Trouble and Charges in sending them into *England* to be tried within the Realm, as the said Statute directs, insomuch that many idle and profligate Persons have been thereby encouraged to turn Pirates, and betake themselves to that sort of wicked Life, trusting that they shall not, or at least cannot easily, be questioned for such their Piracies and Robberies, by reason of the great Trouble and Expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for the same: And whereas the Numbers of them are of late very much increased, and their Insolencies so great, that unless some speedy Remedy be provided to suppress them, by a strict and more easy Way for putting the ancient Laws in that Behalf in Execution, the Trade and Navigation into remote Parts will very much suffer thereby; Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Piracies, Felonies, and Robberies committed in or upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard and determined, and adjudged, according to the Directions of this Act, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission or Commissions under the

How and where
 Piracies, Felo-
 nies, &c. com-
 mitted on the
 Sea may be
 tried.

* By 4 Geo. I. c. 11. § 7. Offenders against this Act may be tried as directed by 28 H. 8. c. 15.*

Great Seal of *England*, or the Seal of the Admiralty of *England*, directed to all or any of the Admirals, Vice-Admirals, Rear-Admirals, Judges of Vice-Admiralties, or Commanders of any of his Majesty's Ships of War, and also to all or any such Person or Persons, Officer or Officers, by Name, or for the Time being, as his Majesty shall think fit to appoint; which said Commissioners shall have full Power jointly or severally, by Warrant under the Hand and Seal of them, or any one of them, to commit to safe Custody any Person or Persons, against whom Information of Piracy, Robbery, or Felony upon the Sea, shall be given upon Oath (which Oath they or any one of them shall have full Power, and are hereby required to administer) and to call and assemble a Court of Admiralty on Ship-board, or upon the Land, when and as often as Occasion shall require; which Court shall consist of seven Persons at the least.

No. 4.
11 and 12
William III.
c. 7.

Admiralty
Court to consist
of seven Per-
sons.

II. And if so many of the Persons aforesaid cannot conveniently be assembled, Be it further enacted by the Authority aforesaid, That any three of the aforesaid Persons (whereof the President or Chief of some English Factory, or the Governor, Lieutenant Governor, or Member of his Majesty's Councils in any of the Plantations or Colonies aforesaid, or Commander of one of his Majesty's Ships, is always to be one) shall have full Power and Authority, by virtue of this Act, to call and assemble any other Persons on Ship-board, or upon the Land, to make up the Number of seven.

III. Provided, That no Persons but such as are known Merchants, Factors, or Planters, or such as are Captains, ^{Persons qualifi-} ed to sit and Lieutenants, or Warrant Officers in any of his Majesty's Ships of War, or Captains, Masters, or Mates of some English Ship, shall be capable of being so called, and sitting and voting in the said Court.

IV. And be it enacted by the Authority aforesaid, That such Persons called and assembled as aforesaid, shall have full Power and Authority, according to the Course of the Admiralty, to issue Warrants for bringing any Persons accused of Piracy or Robbery, before them to be tried, heard, and adjudged; and to summon Witnesses, and to take Informations and Examinations of Witnesses upon their Oath; and to do all Things necessary for the hearing and final Determination of any Case of Piracy, Robbery, and Felony; and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted and attainted as aforesaid, according to the Civil Law, and the Methods and Rules of the Admiralty; and that all and every Person and Persons so convicted and attainted of Piracy or Robbery, shall have and suffer such Losses of Lands, Goods and Chattels, as if they had been attainted and convicted of any Piracies, Felonies, and Robberies according to the aforementioned Statute made in the Reign of King *Henry the Eighth*.

V. Provided always, and be it further enacted by the King's Commission, Authority aforesaid, That so soon as any Court shall be assembled as aforesaid, either on Ship-board or upon the Land, the first read,

No. 4.
 11 and 12
 William III,
 c 7
 President to
 take the follow-
 ing Oath.

King's Commission shall first be openly read, and the said Court then and there shall be solemnly and publickly called and proclaimed; and then the President of the Court shall, in the first Place, publickly in open Court take the following Oath, *viz.*

' I A. B. do swear in the Presence of Almighty God, That I will truly and impartially try and adjudge the Prisoner or Prisoners which shall be brought upon his or their Trials before this Court, and honestly and duly, on my Part, put his Majesty's Commission for the trying of them in Execution, according to the best of my Skill and Knowledge: And that I have no Interest, directly or indirectly, in any Ship or Goods, for the Piratically taking of which any Person stands accused, and is now to be tried:

' So help me God.'

And then to ad-
 minister the
 same to the
 other Members.

How Prisoners
 shall be brought
 before them and
 tried.

Prisoners plead-
 ing Not guilty,
 Witnesses shall
 be examined
 viva voce.

VI. And he having taken the Oath in Manner aforesaid, shall immediately administer the same Oath to every Person who shall sit, and have and give a Voice in the said Court upon the Trial of such Prisoner or Prisoners as aforesaid; and immediately thereupon the said Prisoner or Prisoners shall be formally brought before them; and then the Register of the said Court shall openly and distinctly read the Articles against such Prisoner or Prisoners, upon which they or any of them is or are to be tried; wherein shall be set forth the particular Fact or Facts of Piracy, Robbery, and Felony, with the Time and Place when and where, and in what Manner it was committed; and then each Prisoner shall be asked, Whether he be guilty of the said Piracy and Robbery, or Felony, or not guilty? Whereupon every such Prisoner shall immediately plead thereunto, Guilty, or Not guilty, or else it shall be taken as confessed, and he shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, and in like Manner, as if he or they had been attainted or convicted upon the Oath of Witnesses, or his own Confession; but if any Prisoner shall plead Not guilty, Witnesses shall be produced by the Register, and duly sworn and examined openly, *viva voce*, in the Prisoner's Presence; and after a Witness hath answered all the Questions proposed by the President of the Court, and given his Evidence, it shall and may be lawful for the Prisoner to have the Witness cross-examined, by first declaring to the Court what Questions he would have asked, and thereupon the President of the Court shall interrogate the Witness accordingly; and every Prisoner shall have Liberty to bring Witnesses for his Defence, who shall be sworn, and examined upon Oath, as the Witnesses were that testified against him; and afterwards the Prisoner shall be fairly heard what he can say for himself; all which being done, the Prisoner shall be taken away and kept in safe Custody, and all other Persons, except the Register, shall withdraw from the said Court, and then the Court shall consider of the Evidence which hath been given, and debate the Matters

and Circumstances of the Prisoner's Case, and the President of the Court shall collect all the Votes of the Persons who do sit and have Voices in the said Court, beginning at the Junior first, and ending with himself; and according to the Plurality of Voices, Sentence and Judgment shall be then given and pronounced publickly in the Presence of the Prisoner or Prisoners, being called in again; and according to such Sentence and Judgment the Person or Persons attainted shall be executed and put to Death, at such Time, in such Manner, and in such Place upon the Sea, or within the ebbing or flowing thereof, as the President or the Major Part of the Court, by Warrant directed to a Provost Marshal (which the President or said Major Part shall have Power to constitute) shall appoint.

No. 4.
11 and 12
William III.
c. 7.

VII. And be it further enacted by the Authority aforesaid, That some Person, being a Publick Notary, shall be Register of the Court; and in case of his Absence, Death, or Incapacity, or for want of a Person so qualified, the President of the Court shall and may appoint a Register, giving him an Oath (which he is hereby empowered to administer) duly, faithfully, and impartially to execute his Office; which Register shall prepare all Warrants and Articles, and take care to provide all Things requisite for any Trial, according to the substantial and essential Parts of Proceedings in a Court of Admiralty, in the most summary Way; and shall take Minutes of the whole Proceedings, and enter them duly in a Book by him to be kept for that Purpose; and shall from Time to Time, as Opportunity offers, transmit the same, with the Copies of all Articles and Judgments given in any such Cases, in any Court whereof he shall be Register, unto the High Court of Admiralty of England.

VIII. And be it further enacted by the Authority aforesaid, That if any of his Majesty's natural-born Subjects, or &c. committing Piracy on others of the King's Subjects by Commission from any foreign Prince, shall commit any Piracy or Robbery, or any Act of Hostility, against others his Majesty's Subjects upon the Sea, under Colour of any Commission from any foreign Prince or State, or Pretence of Authority from any Person whatsoever, such Offenders, and every of them, shall be deemed, adjudged, and taken to be Pirates, Felons, and Robbers; and they and every of them being duly convicted thereof, according to this Act, or the aforesaid Statute of King Henry the Eighth, shall have and suffer such Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

IX. And be it further enacted, That if any Commander or Master of any Ship, or any Seaman or Mariner, shall in any Place where the Admiral hath Jurisdiction, betray his Trust, and turn Pirate, Enemy, or Rebel, and piratically and feloniously run away with his or their Ship or Ships; or any Barge, Boat, Ordnance, Ammunition, Goods, or Merchandizes, or yield them up voluntarily to any Pirate, or shall bring any seducing Messages from any Pirate, Enemy, or Rebel, or con-

No. 4.

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c. 7.

or Person laying violent Hands on his Commander, &c. shall be adjudged a Pirate, and suffer Death.

Persons setting forth, or aiding or assisting any Pirate, &c.

shall be adjudged Accessories.

The like for concealing Piracy, &c.

How Accessories shall be tried.

sult, combine, or confederate with, or attempt or endeavour to corrupt any Commander, Master, Officer, or Mariner to yield up or run away with any Ship, Goods, or Merchandizes, or turn Pirate, or go over to Pirates, or if any Person shall lay violent Hands on his Commander, whereby to hinder him from fighting in Defence of his Ship and Goods committed to his Trust, or that shall confine his Master, or make, or endeavour to make a Revolt in the Ship, shall be adjudged, deemed, and taken to be a Pirate, Felon, and Robber, and being convicted thereof, according to the Directions of this Act, shall have and suffer Pains of Death, Loss of Lands, Goods, and Chattels, as Pirates, Felons, and Robbers upon the Seas ought to have and suffer.

X. And whereas several evil-disposed Persons, in the Plantations and elsewhere, have contributed very much towards the Increase and Encouragement of Pirates by setting them forth, and by aiding, abetting, receiving, and concealing them and their Goods, and there being some Defects in the Laws for bringing such evil-disposed Persons to dignified Punishment; Be it enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, who, after the twenty-ninth Day of *September* in the Year of our Lord one thousand seven hundred, shall either on the Land, or upon the Seas, knowingly or wittingly set forth any Pirate, or aid and assist, or maintain, procure, command, counsel or advise any Person or Persons whatsoever, to do or commit any Piracies or Robberies upon the Seas, and such Person and Persons shall thereupon do or commit any such Piracy or Robbery, then all and every such Person or Persons whatsoever, so as aforesaid setting forth any Pirate, or aiding, assisting, maintaining, procuring, commanding, counselling or advising the same, either on the Land or upon the Sea, shall be and are hereby declared, and shall be deemed and adjudged to be accessory to such Piracy and Robbery done and committed; and further, That after any Piracy or Robbery is or shall be committed by any Pirate or Robber whatsoever, every Person and Persons, who knowing that such Pirate or Robber has done or committed such Piracy and Robbery, shall on the Land or upon the Sea, receive, entertain or conceal any such Pirate or Robber, or receive or take into his Custody any Ship, Vessel, Goods or Chattels, which have been by any such Pirate or Robber piratically and feloniously taken, shall be and are hereby likewise declared, deemed and adjudged to be accessory to such Piracy and Robbery; and that after the said nine and twentieth Day of *September*, all such Accessories to such Piracies and Robberies shall and may be enquired of, tried, heard, determined and adjudged after the common Course of the Laws of this Land, according to the said Statute made in the twenty-eighth Year of King *Henry the Eighth*, as the Principals of such Piracies and Robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such Pains of Death, Losses of Lands, Goods and Chattels, and in like

Manner, as the Principals of such Piracies, Robberies and Felonies ought to suffer, according to the said Statute of King Henry the Eighth, which is hereby declared to be and continue in full Force; any thing in this present Act contained to the contrary notwithstanding.

No. 4.
11 and 12
William III.
c. 7.

XI. And forasmuch as it will also conduce to the suppression of Robberies on the Sea, if due Encouragement be given, and Rewards allowed, to such Commanders, Masters, and other Officers, Seamen, and Mariners, as shall either bravely defend their own Ships, or take, seize and destroy Pirates, Sea Rovers, and Enemies; Be it further enacted by the Authority aforesaid, That when any *English* Ship shall have been defended against any Pirates, Enemies, or Sea Rovers by Fight, and brought to her designed Port, in which Fight any of the Officers or Seamen shall have been killed or wounded, it shall and may be lawful to and for the Judge of his Majesty's High Court of Admiralty, or his Surrogate in the Port of London, or the Mayor, Bailiff, or Chief Officer in the several Out Ports of this Kingdom, upon the Petition of the Master or Seamen of such Ship, so defended as aforesaid, to call unto him four or more good and substantial Merchants, and such as are no Adventurers or Owners of the Ship or Goods so defended, and have no Manner of Interest therein, and by Advice with them to raise and levy upon the respective Adventurers and Owners of the Ship and Goods so defended, by Process out of the said Court, such Sum or Sums of Money as himself and the said Merchants, by Plurality of Voices, shall determine and judge reasonable, not exceeding two Pounds per Centum of the Freight, and of the Ship and Goods so defended, according to the first Costs of the Goods; which Sum or Sums of Money so raised, shall be distributed among the Captain, Master, Officers, and Seamen of the said Ship, or Widows and Children of the slain, according to the Direction of the Judge of the said Court, or his Surrogate in the Port of London, or the Mayor, Bailiff or Chief Officer in the several Out-ports of this Kingdom, with the Approbation of the Merchants aforesaid, who shall proportion the same, according to their best Judgment, unto the Ship's Company as aforesaid, having special Regard unto the Widows and Children of such as shall have been slain in that Service, and such as have been wounded or maimed.

XII. And for the better and more effectual Prevention of Combinations and Confederacies, for the running away with or destroying of any Ship, Goods or Merchandizes; Be it further enacted by the Authority aforesaid, That a Reward of ten Pounds for every Ship or Vessel of one hundred Tuns or under, and fifteen Pounds for every Ship or vessel of a greater Burthen, shall be paid by the Captain, Commander, or Master of every Ship or Vessel, wherein any such Combination or Confederacy shall be set on Foot, for the running away with or destroying any such Ship, or the Goods and Merchandizes therein laden, to such Person as shall first make a Discovery and how to be

Reward to Dis-
coverer of any
Combination
for running
away with
Ship, &c.

No. 4.

^{11 and 12}
William III
c. 7.

Act to be in
Force for seven
Years.

* Made perpe-
tual by 6 G. I.
c. 19, and en-
forced by 8 G. I.
c. c. 24.

Commissioners,
&c. shall have
Power to try
the aforesaid
Crimes in all
the Colonies,
&c. in America.

Governors of
the said Colo-
nies, &c. to as-
sist Commiss-
ioners, &c.

and deliver up
Pirates, &c.

Penalty on Go-
vernor, &c. not
yielding Obedi-
ence to this Act.

How Commis-
sions for trying
of Offences
within the Ju-
risdiction of the
Cinque Ports
shall be direct-
ed, and Inqui-
sition made.

thereof, upon due Proof of such Combination or Confederacy ; the same to be paid at the Port where the Wages of the Seamen of the said Ship are or ought to be paid, after such Discovery and Proof made.

XIII. Provided also, That this Act shall be in Force for seven Years, and to the End of the next Session of Parliament after the Expiration of the said seven Years, and no longer.

XIV. And for the more effectual Prosecution and Punishment of Piracies, Felonies and Robberies upon the Sea, and of all other Offences aforementioned; Be it declared and enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed by the aforementioned Statute of King *Henry* the Eighth, or the Commissioners for Trial of Pirates appointed by this Act, shall, from and after the said nine and twentieth Day of *September* one thousand seven hundred, have the sole Power and Authority of trying, hearing, and determining the said Crimes and Offences, within all or any of the Colonies and Plantations in *America*, governed by Proprietors, or under Grants or Charters from the Crown, and of bringing the Offenders to condign Punishment; and shall and may issue forth their Warrant or Warrants for the Seizing and apprehending of any Pirates, Felons, or Robbers upon the Sea, or their Confederates or Accessories, being within any of the said Colonies and Plantations, in order to their being brought to Trial within the same, or any other Plantation in *America*, according to this Act, or sent into *England* to be tried there; and that all and every Governor and Governors, Person and Persons in Authority in the said Colonies and Plantations governed by Proprietors, or under Charters as aforesaid, shall assist the Commissioners and their subordinate Officers in doing their Duty, and also in the Execution of such Warrants and otherwise, and shall deliver up to such Commissioner or Commissioners, Officer or Officers, any Pirates, Felons and Robbers upon the Sea, and their Confederates and Accessories, in order to their being tried or sent into *England* as aforesaid; any Letters Patents, Grants or Charters of Government, in and about the said Plantations, or other Usages herefore had or made to the contrary notwithstanding.

XV. And be it hereby further declared and enacted, That if any of the Governors in the said Plantations, or any Person or Persons in Authority there, shall refuse to yield Obedience to this Act, such Refusal is hereby declared to be a Forfeiture of all and every the Charters granted for the Government or Proprietary of such Plantation.

XVI. Provided always, and be it enacted by the Authority aforesaid, That whenever any Commission for the Trial and Punishment of the Offences aforesaid, or any of them, shall be directed or sent to any Place within the Jurisdiction of the Cinque Ports, that then every such Commission shall be directed unto the Lord Warden of the Cinque Ports for the Time being, or to his Lieutenant, and unto such other Persons as the Lord High Chancellor, or Keeper of the Great Seal of *England*

for the Time being, or Commissioners for the Custody of the Great Seal, shall name and appoint; and likewise that every Inquisition and Trial, to be had by virtue of such Commission so directed and sent to any Place in the said Cinque Ports, shall be made and had by the Inhabitants of the said Cinque Ports, or the Members of the same; any Thing in this Act to the contrary thereof notwithstanding.

XVII. And for the Prevention of Seamen deserting of Merchant Ships Abroad in Parts beyond the Seas, which is the chief Occasion of their turning Pirates, and of great Detriment to Trade and Navigation in general; Be it enacted by the Authority aforesaid, That all such Seamen, Officers or Sailors, who shall desert the Ships or Vessels wherein they are hired to serve for that Voyage, shall for such Offence forfeit all such Wages as shall be then due to him or them.

XVIII. And be it further enacted by the Authority aforesaid, That in case any Master of a Merchant Ship or Vessel shall, after the nine and twentieth Day of September one thousand and seven hundred, during his being Abroad, force any Man on Shore, or wilfully leave him behind in any of his Majesty's Plantations, or elsewhere, or shall refuse to bring Home with him again all such of the Men which he carried out with him, as are in a Condition to return, when he shall be ready to proceed in his Homeward-bound Voyage, every such Master shall, being thereof legally convicted, suffer three Months' Imprisonment without Bail or Mainprize.

No. 4.
11 and 12
William III.
c. 7.

Seamen deserting Merchant Ships to lose their Wages.

Penalty on Master, &c. forcing Seaman on Shore, or refusing to bring him Home.

No. 5.

§ George I. c. 24. — An Act for the more effectual suppressing of Piracy.

WHEREAS the Number of Persons committing Piracies, Felonies and Robberies upon the Seas, is of late very much increased; and notwithstanding the Laws already made and now in Being, many idle and profligate Persons have turned Pirates, and betaken themselves to that wicked Course of Life, whereby the Trade and Navigation into remote Parts will greatly suffer, unless some further Provision be speedily made for bringing such Persons, and all others who shall be any ways aiding and assisting, or in Confederacy with them, to condign Punishment; Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Commander or Master of any Ship or Vessel, or any other Person or Persons, shall, from and after the twenty-fifth Day of March which shall be in the Year of our Lord one thousand seven hundred and twenty-two, anywise trade with any Pirate, by Truck, Barter, Exchange, or in any other Manner, or shall them, &c.

No. 5.
8 George I.
c. 24.

Commanders of Ships or others, trading with Pirates, furnishing them with Stores, corresponding with them, &c.

No. 5. furnish any Pirate, Felon or Robber upon the Seas, with any Ammunition, Provision or Stores of any Kind, or shall fit out any Ship or Vessel knowingly, and with a Design to trade with, or supply or correspond with any Pirate, Felon or Robber guilty of Piracy, &c. 28 H. 8. c. 24. &c. 15. 11 & 12 W. 3. c. 7. See 18 G. 2. c. 30. upon the Seas, or if any Person or Persons shall any ways consult, combine, confederate or correspond with any Pirate, Felon or Robber on the Seas, knowing him to be guilty of any such Piracy, Felony or Robbery, such Offender and Offenders, and every of them, shall in each and every of the said Cases be deemed, adjudged and taken to be guilty of Piracy, Felony and Robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the Matters aforesaid, according to the Statute made in the twenty-eighth Year of King *Henry* the Eighth for Pirates, and the Statute made in the eleventh and twelfth Years of the Reign of his late Majesty King *William* the Third, intituled, "An Act for the more effectual suppressing of Piracy," which by an Act made in the sixth Year of his present Majesty is made perpetual, and he and they, being convicted of all or any the Matters aforesaid, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, as Pirates, Felons and Robbers upon the Seas ought Forcibly board- to suffer; and in case any Person or Persons belonging to any ing any Mer- Merchant-Ship, and whatsoeuer, upon meeting any Merchant-Ship or Vessel on the High-Seas, or in any Port, Haven or Creek whatsoeuer, shall forcibly board or enter into such Ship or Vessel, and though they do not seize and carry off such Ship or Vessel, shall throw over-board, or destroy any Part of the Goods or Merchandizes belonging to such Ship or Vessel, the Person or Persons who shall be guilty thereof, shall in all Respects be deemed and punished as Pirates as aforesaid. board, punished as Pirates.

Ships and the Goods forfeited. II. And be it further enacted by the Authority aforesaid, That every Ship or Vessel which shall be fitted out with a Design to trade with, or supply, or correspond with any Pirate, the Discoverers, and all and every Goods and Merchandizes put on board the same for any Intent or Purpose to trade with any Pirate, Felon or Robber on the Seas, shall be *ipso facto* forfeited; one Moiety thereof to the Use of the King's Majesty, his Heirs and Successors, the other Moiety to the Person or Persons who shall first make Discovery, and give Information of such Intent or Design; and such Person or Persons, who shall first make such Discovery, shall and may sue for and recover the said Ship or Vessel, and all and every the Goods and Merchandizes on board the same, in the High Court of Admiralty.

III. And whereas there are some Defects in the Laws for bringing Persons, who are Accessaries to Piracy and Robbery upon the Seas, to condign Punishment, if the Principal, who committed such Piracy and Robbery, is not or cannot be apprehended and brought to Justice; Be it therefore enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, who by the said Statute made in the eleventh and twelfth Years of the Reign of King *William* the Third, are declared to be Accessary or Accessaries to any Piracy or Robbery therein mentioned, are hereby decla-

red, and shall be deemed and taken to be principal Pirates, Felons and Robbers, and shall and may, from and after the said twenty-fifth Day of *March* one thousand seven hundred and twenty-two, be inquired of, heard, determined and adjudged, in the same Manner as Persons guilty of Piracy and Robbery may and ought to be inquired of, tried, heard, determined and adjudged by the said Statute made in the eleventh and twelfth Years of his late Majesty King *William*, and being thereupon attainted and convicted, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, and in like Manner as Pirates and Robbers ought by the said Act to suffer.

IV. And be it further enacted by the Authority aforesaid, That all and every Offender or Offenders convicted of any Offences committed on this Piracy, Felony or Robbery, by virtue of this Act, shall not be excluded admitted to have the benefit of Clergy, but be utterly excluded of and from the same.

V. And to the End that a further Encouragement may be given to all Seamen and Mariners to fight and defend their Ships from Pirates, Be it enacted by the Authority aforesaid, That in case any Seaman or Mariner on board any Merchant Ship or Vessel, or any other Ship or Vessel, shall be maimed in Fight against any Pirate, every such Seaman and Mariner, upon due Proof of his being maimed in such Fight, shall not only have and receive the Rewards already appointed by a Statute made in the twenty-second and twenty-third Years of the Reign of King *Charles* the Second, intituled, "An Act to prevent the delivering up of Merchant-Ships, and for the Increase of good and serviceable Seamen," but shall also be admitted into and provided for in *Greenwich Hospital*, preferable to any other Seaman or Mariner who is disabled from Service or getting a Livelihood merely by his Age.

VI. And be it further enacted by the Authority aforesaid, That in case any Commander, Master, or other Officer, or men not defending themselves against Pirates, any Seaman or Mariner of any Merchant-Ship or Vessel which carries Guns and Arms, shall not when they are attacked by any Pirate, or by any Ship or Vessel on which any such Pirate is on board, fight and endeavour to defend themselves, and Imprisonment, their said Ship or Vessel from being taken by the said Pirate, or shall utter any Words to discourage the other Mariners from defending the Ship, and by reason thereof the said Ship or Vessel shall fall into the Hands of such Pirate; then, and in every such Case, every such Commander or Master, or other Officer, and every Seaman or Mariner, who shall not fight and endeavour to defend and save the said Ship or Vessel, or who shall utter any such Words as aforesaid, shall lose and forfeit all and every Part of the Wages due to him and them respectively, to the Owner and Owners of the said Ship or Vessel, and shall not be permitted to sue for or recover the same, or any Part thereof, in any Court either of Law or Equity, and as a farther Punishment shall suffer six Months Imprisonment.

VII. And for Prevention of Seamen or Mariners deserting Merchant-Ships or Vessels abroad in the Plantations, or Masters shall not advance to

No. 5.
8 George I.
c. 24.
shall be deemed
Principals.

No. 5.
8 George I.
c. 24.
any Seaman
above Half his
Wages, while
beyond Sea.

' in any other Parts beyond the Seas, which is the chief Occasion of their turning Pirates, and of great Detriment to Trade and Navigation, and is chiefly occasioned by the Owner or Owners of Ships or Vessels paying Wages to the Seamen or Mariners when abroad.' Be it enacted by the Authority aforesaid, That no Master or Owner of any Merchant-Ship or Vessel shall pay or advance, or cause to be paid or advanced, to any Seaman or Mariner, during the Time he shall be in Parts beyond the Seas, any Money or Effects upon Account of Wages, exceeding one Moiety of the Wages which shall be due at the Time of such Payment, until such Ship or Vessel shall return to Great Britain or Ireland, or the Plantations, or to some other of his Majesty's Dominions whero to they belong, and from whence they were first fitted out; and if any such Master or Owner of such Merchant-Ship or Vessel shall pay or advance, or cause to be paid or advanced, any Wages to any Seaman or Mariner above the said Moiety, such Master or Owner shall forfeit and pay double the Money he shall so pay or advance, to be recovered in the High Court of Admiralty, by any Person who shall first discover and inform of the same.

Commander of
a Man of War,
who shall re-
ceive any Goods
on board, except
deo. shall forfeit
his Command,
be incapacitated,
and lose his
Wages.
"So much of this
Clause, as di-
rects the Pun-
ishment to be
inflicted by a
Court Martial
on any Captain
or other Of-
ficer, is repeal-
ed by 22 G. 2.
c. 33."

' VIII. And whereas great Interruptions and Inconveniences may attend his Majesty's Service by the Captains or Commanders, or other Officers of his Majesty's Ships or Vessels of War, their receiving on board such Ships or Vessels, Goods and Merchandizes, and trading therewith contrary to Instructions, which strictly forbid their doing the same: To prevent therefore the said Interruptions and Inconveniences for the future, Be it enacted by the Authority aforesaid, That in case any Captain, Commander, or other Officer of any of his Majesty's Ships or Vessels of War, whether such Ship or Vessel shall be employed at Home or Abroad, shall, from and after the twenty-ninth Day of September in the Year of our Lord one thousand seven hundred and twenty-two, receive on board, or permit to be received on board such Ship or Vessel of War, any Goods or Merchandizes whatsoever, in order to trade or merchandize with the same either upon his own or any other Person's Account, except Gold, Silver or Jewels, and except the Goods or Merchandizes belonging to any Merchant Ship or Vessel which may be shipwrecked, or in imminent Danger of being shipwrecked either on the High Seas, or in any Port, Creek or Harbour, within his Majesty's Dominions at Home or Abroad, or elsewhere, in order to the preserving them for their proper Owners; and except such Goods or Merchandizes as they shall at any Time be ordered to take or receive on board by Order of the Lord High Admiral of Great Britain, or the Commissioners for executing that Office for the Time being, or any three or more of them; every such Captain, Commander or Officer of any of his Majesty's Ships or Vessels of War so offending, shall, upon his being convicted thereof by a Court Martial, lose and forfeit the Command and Office he then shall have in the said Ship or Vessel of War, and shall be, and he is hereby for ever after-

wards rendered uncapable to serve any longer in the same, or in any other Place or Office in the Naval Service of his Majesty, his Heirs and Successors; and such Captain, Commander, or other Officer, offending as aforesaid, shall, as a further Punishment for his said Offence, lose and forfeit to his Majesty, his Heirs and Successors, all the Wages due to him for his Service in the Ship or Vessel of War whereunto he shall belong, when or at any Time after such Offence shall be committed.

IX. And be it further enacted, That the said Captain, Such Commander, or other Officer of the said Ship or Vessel of War, and all and every the Owners and Proprietors of such Goods or Merchandizes put on board such Ship or Vessel of War as aforesaid, shall lose, forfeit and pay the Value of all and every such Goods and Merchandizes so put on board as aforesaid; one Moiety of such full Value to such Person or Persons as shall make the first Discovery, and give Information of or concerning the said Offence, the other Moiety of such full Value to and for the Use of *Greenwich Hospital*; all which Forfeitures shall and may be sued for and recovered in the High Court of Admiralty.

X. And be it also enacted, that this Act shall extend to all his Majesty's Dominions in *Asia, Africa, and America, &c.*, and shall be taken as a Publick Act, and shall continue in Force a publick Act, for seven Years, from the twenty-fifth Day of March one thousand seven hundred and twenty-two, and from thence, to the End of the then next Session of Parliament. [Made perpetual by 2 Geo. 2. c. 28. sect. 7.]

No. 6.

18 George II. c. 30.—An Act to amend an Act made in the eleventh Year of the Reign of King *William* the Third, intituled, “An Act for the more effectual Suppression of Piracy.”

WHEREAS by an Act made in the eleventh Year of King *William* the Third, intituled, “An Act for the more effectual Suppression of Piracy;” It is (amongst other Things) enacted, That all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, enquired of, tried, and determined and adjudged, according to the Directions of the said Act, in any Place at Sea, or upon the Land, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission, in the Manner therein directed: And it is also thereby further enacted, That if any of his Majesty's natural born Subjects, or Denizens of this Kingdom shall commit any Piracy or Robbery, or any Act of Hostility,

No. 5.
18 George I.
c. 24.

No. 6.
18 George II.
c. 30.

11 W. 3. c. 7.

No. 6. 18 George II. c. 30.
 18 H. 8. c. 15.

against others of his Majesty's Subjects, upon the Sea, under Colour of any Commission from any foreign Prince or State, or Pretence of Authority from any Person whatsoever, such Offenders shall be deemed Pirates, Felons, and Robbers; and they being duly convicted, according to the said Act, or according to an Act of the twenty-eighth Year of the Reign of King Henry the Eighth, therein recited, shall have and suffer such Pains of Death, Loss of Lands, Goods and Chattels, as Pirates, Felons, and Robbers upon the Seas, ought to have and suffer: And whereas, since the present Wars with France and Spain, divers of his Majesty's natural-born Subjects have entered in the Service of his Majesty's Enemies, on board Privateers, or other Ships, having Commissions from the Crowns of France or Spain, and committed divers Hostilities against his Majesty's Subjects upon the Seas, in the West Indies, and other Parts: And whereas Doubts have arisen, whether as such Offenders have, by such their Adherence to the King's Enemies, been guilty of High Treason, they can be deemed guilty of Felony, within the Intent of the said Act, and, as such, liable to be tried by the said Court of Admiralty appointed or to be appointed by virtue of the said Act: Therefore, to put an End to the said Doubts, and to prevent the Inconveniences that must arise, by the Want of speedy Justice on such Offenders; May it please your most Excellent Majesty, that it may be enacted; And be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons being natural-born Subjects, or Denizens of his Majesty, who during the present or any future Wars, have committed, or shall commit any Hostilities upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority or Jurisdiction, against his Majesty's Subjects, by Virtue or under Colour of any Commission from any of his Majesty's Enemies, or have been, or shall be any other ways adherent, or giving Aid or Comfort to his Majesty's Enemies upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority or Jurisdiction, may be tried as Pirates, Felons and Robbers in the said Court of Admiralty, on Ship-board, or upon the Land, in the same Manner as Persons guilty of Piracy, Felony and Robbery, are by the said Act directed to be tried; and such Persons being upon such Trial convicted thereof, shall suffer such Pains of Death, Loss of Lands, Goods and Chattels, as any other Pirates, Felons and Robbers ought, by virtue of the said recited Act of the eleventh Year of King William the Third, or any other Act, to suffer.

Subjects or
Denizens, dur-
ing any Wars,
committing
Hostilities at
Sea, &c. against
his Majesty's
Subjects, where
the Admirals
have Power, or
giving Aid, &c.
to Enemies at
Sea, may be
tried as Pirates.
21 W. 3. c. 7.

Not to be tried again for the same Crime as High Treason.

II. Provided, and it is hereby declared and enacted, That any Person who shall be tried and acquitted, or convicted, according to this Act, for any of the said Crimes, shall not be liable to be indicted, prosecuted, or tried again in Great

Britain, or elsewhere, for the same Crime or Fact as High Treason. No. 6.
18 George II.

III. Provided, That nothing in this Act contained shall be construed to extend to prevent any Persons guilty of any of the said Crimes, who shall not be tried according to this Act, from being tried for High Treason within this Realm, according to the aforesaid Act of the twenty-eighth Year of King Henry the Eighth.

C. 30.
High Treason,
by 28 H. 8.
c. 15.

No. 7.

39 George III. c. 37.—An Act for Remedying certain Defects in the Law respecting Offences committed upon the High Seas.—[10th. May. 1799.]

WHEREAS by an Act, passed in the twenty-eighth Year of King Henry the Eighth, it is enacted, That Treasons, Felonies, Robbers, Murthers, and Conferacies, committed on the High Seas, shall be enquired of, tried, and determined, in such Shires and Places in the Realm, as shall be limited by the King's Commission to be directed for the same, in like Form and Condition as if any such Offence or Offences had been committed or done in or upon the Land: And whereas it is expedient to declare that other Offences committed on the Seas may be inquired of, tried, and determined in like Manner: Be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Offence and Offences, which, after the passing of this Act, shall be committed upon the High Seas out of the Body of any County of this Realm, shall be liable to the same Punishments as if committed on Shore, and shall be tried and adjudged, in the same Manner as Treasons, Felonies, Murthers, and Confederacies, are directed to be by the same Act.

II. And be it further enacted, That when any Person or Persons shall be tried for the Crime of Murther or Manslaugh- ter committed upon the Sea, by virtue of any Commission and found directed under the said Act, and shall be found guilty of Manslaughter only, such Person or Persons shall be entitled to receive the Benefit of Clergy in like Manner, and shall be subject to the same Punishment, as if he or they had committed such Manslaughter in or upon the Land.

All Offences whatever com- mitted on the High Seas shall be liable to the same Punishments as if committed on Shore; and shall be tried and adjudged, in the same Manner as Treasons, Felonies, &c. are directed by the same Act.

for Murther or Manslaughter, guilty of Manslaughter only, shall be entitled to the Benefit of Clergy, and be subject to the same Punishment as if committed on Land.

No. 8.

46 George III. c. 54.—An Act for the more speedy Trial
of Offences committed in distant Parts upon the Sea.
—[23d. May 1806.]

No. 8.
46 George III.,
c. 54.
28 H. 8. c. 15.
11 & 12 Gul. 3.
c. 7.

WHÈREAS by an Act of Parliament, made in the twenty-eighth Year of the Reign of King *Henry the Eighth*, it is enacted, That all Treasons, Felonies, Robberies, Murders, and Confederacies, committed on the Sea, shall be enquired of, tried, and determined, according to the common Course of the Laws of this Land used for such Offences upon the Land within this Realm: And whereas by another Act of Parliament, made in the eleventh Year of the Reign of King *William the Third*, intituled, “An Act for the more effectual Suppression of Piracy,” it is enacted, that all Piracies, Felonies, and Robberies, committed on the Sea; or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, enquired of, tried, heard, and determined, and adjudged, in any Place at Sea, or upon the Land, in any of his Majesty’s Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King’s Commission, in the Manner therein directed, and according to the Rules of the Civil Law: And whereas Treasons, Murders, and divers other Felonies and Misdemeanours, not mentioned in the said Statute of the eleventh Year of the Reign of King *William the Third*, cannot be tried by virtue of any Commission directed under that Act, but the Persons committing, or charged with having committed the same upon the Seas in or near the *East* or *West Indies*, and in Places very remote, can only be brought to Trial by sending them to *England* to be tried within this Realm, under the Commission directed by the said Statute of the twenty-eighth Year of the Reign of King *Henry the Eighth*; whereby not only great Charges and Expences are incurred, but Offenders do oftentimes escape unpunished by reason of the Delay and Difficulties attending such Prosecutions: For Remedy whereof, and in order that one uniform Course of Trial may be had for all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences committed upon the Seas; Be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place, where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be enquired of, tried, heard, determined, and adjudged, according to the Common Course of the Great Seal; the Laws of this Realm used for Offences committed upon the

All Offences
whatever, com-
mitted on the
Sea, &c. may
be tried in any
of his Majesty’s
Islands, &c. by
virtue of the
King’s Com-
mission under
the Great Seal;

Land within this Realm, and not otherwise, in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, under and by virtue of the King's Commission or Commissions, under the Great Seal of *Great Britain*, to be directed to any such four or more discreet Persons as the Lord Chancellor of *Great Britain*, Lord Keeper or Commissioners for the Custody of the Great Seal of *Great Britain* for the Time being, shall from Time to Time think fit to appoint; and that the said Commissioners so to be appointed, or any three of them, shall have such and the like Powers and Authorities for the Trial of all such Murders, Treasons, Piracies, Felonies, Robberies, Conspiracies, and other Offences, within any such Island, Plantation, Colony, Dominion, Fort, or Factory, as any Commissioners appointed or to be appointed according to the Directions of the said Statute of the twenty-eighth Year of the Reign of King *Henry the Eighth*, by any Law or Laws now in force, have, or would have for the Trial of the said Offence, within this Realm; and that all Persons convicted of any of the said Offences, so to be tried by virtue of any Commission to be made according to the Directions of this Act, shall be subject and liable to, and shall suffer all such and the same Fines, Penalties, and Forfeitures, as by any Law or Laws no^t in force, Persons convicted of the same respectively would be subject and liable to in case the same were respectively inquired of, tried, heard, determined, and adjudged, within this Realm, by virtue of any Commission made according to the Directions of the said Statute of the twenty-eighth Year of the Reign of King *Henry the Eighth*; any Law, Statute, or Usage, to the contrary notwithstanding.

No. 8.
46 George III.
c. 54.

^{and Commis-}
^{sioners shall}
have Powers as
under 28 H. 8.
c. 15.

PART V. CLASS XIV.

FELONY RELATING TO THE REVENUE.

No. 1.

52 George III. c. 143.—An Act for amending and reducing into one Act, the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting his Majesty's Revenue in *Great Britain*.—[23d. July 1812.]

No. 1. **W**HÈREAS it is expedient, that the Provisions contained in any Laws now in force, for collecting his Majesty's Revenue in *Great Britain*, whereby the Penalty of Death is imposed for any Act done in Breach of or in Resistance to the said Laws, or any of them, should be amended and reduced into one Act; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of Offences against the same; That in all Cases where any Act to be done or committed after the passing of this Act, in Breach of or in Resistance to any Part of the Laws for collecting his Majesty's Revenue in *Great Britain*, would by the Laws now in force subject the Offender to suffer Death, as guilty of Felony, without Benefit of Clergy, by virtue of the said Laws, or any of them, such Act, so to be done or committed, shall be deemed and taken to be Felony with Benefit of Clergy, and punishable only as such, unless the same shall also be declared to be Felony without Benefit of Clergy by this Act.

Offences of Persons employed by the Post Office. II. And be it declared and enacted by the Authority aforesaid, That if any Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any other Officer or Person whatsoever employed by or under the Post Office of *Great Britain*, in

receiving, stamping, sorting, (1.) charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, shall, after the passing of this Act, secrete, embezzle, or destroy any Letter or Packet, or Bag or Mail of Letters with which he or she shall have been entrusted in consequence of such Employment, or which shall in any other Manner have come to his or her Hands or Possession, whilst so employed, containing (3.) the whole or any Part or Parts of any Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, *South Sea or East India Bond*, Dividend Warrant, either of the Bank, *South Sea, East India*, or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment on any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends, or for selling Stock in the Funds, or belonging to any Company, Society, or Corporation, American Provincial Bill of Credit, Goldsmith's or Banker's Letter of Credit, or Note for or relating to the Payment of Money, or other Bond or Warrant, Draft, Bill or Promissory Note (4.) whatsoever for the Payment of Money; or shall steal and take out of any Letter or Packet with which he or she shall have been so entrusted, or which shall have so come to his or her Hands or Possession, the Whole or any Part or Parts of any such Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, *South Sea or East India Bond*, Dividend Warrant, either of the Bank, *South Sea, East India*, or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment of any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Divi-

No. 1.
George III.
c. 143.

(1.) (2.) In Shaw's Case, Leach, Ca. 45, 2 E. P. C. 590, a Person charged on Statutes 5 Geo. III. c. 25. 7 Geo. III. c. 50. as employed in sorting and charging, was acquitted on that Count, because he was a Sorter only, and it was ruled that he could not be convicted upon another Count charging him as a Person employed; but the Judges were inclined to think, that he might have been convicted on the first Count, by a special finding that he was a Sorter only: of the Correctness of which Opinion I apprehend there can be very little Doubt, as it is a general Principle, that if the Case proved comes within the Description of that charged, it is sufficient, although it does not support the Whole of such Charge.

(3.) It was held that a Letter Carrier secreting the two Halves of a Bank Note sent on different Days, in different Letters, might be convicted on a Charge of secreting two Letters containing the Bank Note; Moore's Case, Leach, Ca. 257. Stealing a Letter containing Money, held not within the Statutes respecting the Post Office; but the Prisoner may be indicted for a common Larceny; Skitt's Case, E. P. C. ch. 16. § 22. A Letter Carrier obtaining Possession of the Letters in the Post Office before stamped, with a View to embezzle the Postage, is not guilty of stealing such Letters; Howitt's Case, E. P. C. ch. 16. § 39; and, semble, the Case would be the same, although the Letter contained a Bank Note. And see Stopper's Case, ibid. § 23, Leach, Ca. 46.

(4.) The paid Promissory Notes of a Country Bank, in their Transit from the Bankers in London to the Country, are within the Act; Ransou's Case, Leach, (4th. Ed.) 1090.

No. 1. ^{52 George III. c. 13.} dends, or for selling Stock in the Funds, or belonging to any Company, Society, or Corporation, American Provincial Bill of Credit, Goldsmith's or Banker's Letter of Credit or Note for or relating to the Payment of Money, or other Bond or Warrant, Draft, Bill, or Promissory Note whatsoever for the Payment of Money; every Person so offending, being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

Death.

Offences against Post Office.

Death.

Offences of Persons assisting others employed by the Post Office.

III. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, steal and take from any Carriage, or from the Possession of any Person employed to convey Letters sent by the Post of Great Britain, or from or out of any Post Office (5.) or House or Place for the Receipt or Delivery of Letters or Packets, or Bags or Mails of Letters sent or to be sent by such Post, any Letter or Packet, or Bag or Mail of Letters sent or to be sent by such Post, or shall steal and take any Letter (6.) or Packet out of any such Bag or Mail, every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy; and such Offences shall and may be enquired of, tried, and determined either in the County where the Offence shall be committed, or where the Party shall or may be apprehended. (7.)

IV. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, counsel, command, hire, persuade, procure, aid, or abet any such Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any Officer or Person whatsoever employed by or under the said Office, in receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, to commit any of the Offences herein-before mentioned, or shall, with a Fraudulent Intention, buy or receive the Whole or any Part or Parts of any such Security or Instrument as herein-before described, which shall have been contained in, and which, at the Time of buying or receiving thereof, he or she shall know to have been contained in any such Letter or Packet so secreted, embezzled, stolen, or taken by any Deputy, Clerk, Agent, Letter Carrier, Post Boy, or Rider, or any other Officer or Person so employed as aforesaid, or which such Person so buying or receiving as aforesaid shall at the Time of buying or receiving thereof know to have

(5.) Obtaining the Bags, under Pretence of being the Guard of the Mail, is a Stealing from the Post Office; Pearce's Case, E. P. C. ch. 16. § 39.

(6.) Ruled that the same Provision in Stat. 7 Geo. III. c. 50. did not extend to a Stealing by a Person employed in the Post Office; Pooley's third Case, Leach, (4th Ed.) Ca. 392.

(7.) Where the Prisoner stole the Mail Bag from the Mail Coach, in his Passage from Bristol to London, and left the Mail in Middlesex, it was ruled that he could not be convicted in Middlesex for stealing from the Carriage, on account of its not appearing that the Bag was actually taken there; Thomas's Case, E. P. C. ch. 16: § 39.

been contained in and stolen and taken out of any Letter or Packet stolen and taken from or out of any Mail or Bag of Letters sent and conveyed by such Post, or from or out of any Post Office or House, or Place for the Receipt or Delivery of Letters or Packets, or Bags or Mails of Letters sent or to be sent by such Post; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy, and shall and may be tried, convicted, and attainted of such Felony, as well before as after the Trial or Conviction of the principal Felon, and whether the said principal Felon shall have been apprehended or shall be amenable to Justice or not.

V. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, make, forge, or counterfeit, or cause or procure to be made, forged or counterfeited, the Mark or Hand of the Receiver of the Pretines at the Alienation Office, upon any Writ of Covenant, whereby such Receiver or any other Person shall or may be defrauded, or suffer any Loss thereby; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon ^{Forging against} _{Alienation} _{Office.} ^{Death.}

VI. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, forge, counterfeit or alter, or cause or procure to be forged, counterfeited or altered, or knowingly or wilfully act ^{Forging Certifi-} _{cates for Re-} _{demption or} _{Sale of Land} _{Tax.} or assist in the forging, counterfeiting or altering any Contract, Assignment, Certificate, Receipt or attested Copy of any Certificate made out or purporting to be made out by any Person or Persons authorized to make out the same by any Act of Parliament touching the Redemption or Sale of the Land Tax, or of any Part thereof; or if any Person shall wilfully utter any such forged, counterfeited, or altered Contract, Assignment, Certificate, Receipt or attested Copy of Certificate, knowing the same to be forged, counterfeited, or altered, with Intent to defraud his Majesty, his Heirs or Successors, or any Body or Bodies Politic or Corporate, or other Person or Persons; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon ^{without Benefit of Clergy.} _{Death.}

VII. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, forge or counterfeit, or cause or procure to be forged or counterfeited, any Mark, Stamp, (8.) Die or Plate, which in pursuance of any Act or Acts of Parliament shall have been provided, made or used by or under the Direction of the Commissioners appointed to manage the Duties on stamped Vellum, Parchment and Paper, or by or under the Direction of any other Person or Persons legally authorized in that Behalf, for expressing or denoting any Duty or Duties, or any Part

(8.) See *Rex v. Collicot, Leach,* (4th. Ed.) *C. 212.*

No. 1. thereof, which shall be under the Care and Management of the said Commissioners, or for denoting or testifying the Payment of any such Duty or Duties, or any Part thereof, or for denoting any Device appointed by the said Commissioners for the Ace of Spades, to be used with any playing Cards; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, the Impression or any Resemblance of the Impression, of any such Mark, Stamp, Die or Plate as aforesaid, upon any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material; or shall stamp or mark, or cause or procure to be stamped or marked, any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material, with any such forged or counterfeited Mark, Stamp, Die or Plate as aforesaid, with Intent to defraud his Majesty, his Heirs or Successors, of any of the Duties, or any Part of the Duties under the Care and Management of the said Commissioners; or if any Person shall utter or sell, or expose to Sale, any Vellum, Parchment, Paper, Card, Ivory, Gold or Silver Plate, or other Material, having thereupon the Impression of any such forged or counterfeited Mark, Stamp, Die or Plate, or any such forged or counterfeited Impression as aforesaid, knowing the same respectively to be forged or counterfeited; or if any Person shall privately or secretly use any such Mark, Stamp, Die or Plate, which shall have been so provided, made or used by or under such Direction as aforesaid, with Intent to defraud his Majesty, his Heirs or Successors, of any of the Duties, or any Part of the Duties under the Care and Management of the said Commissioners; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy. (9.)

Death.

Forging Stamps
on Wrought
Plate of Gold
or Silver, &c.

VIII. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, after the passing of this Act, transpose or remove, or cause or procure to be transposed or removed, from one Piece of wrought Plate of Gold or Silver to another, or to any Vessel or Ware of base Metal, any Impression made with any Mark, Stamp or Die, provided, made or used by or under the Direction of the said Commissioners of Stamps, or by or under the Direction of any other Person or Persons legally authorized in that Behalf, for denoting any Duty or Duties, or the Payment of any Duty or Duties granted to his Majesty on Gold or Silver Plate; or shall stamp or mark, or cause or procure to be stamped or marked, any Vessel or Ware of base Metal with any Mark, Stamp or Die, which shall have been forged or counterfeited in Imitation of, or to resemble any Mark, Stamp or Die so provided, made or used as aforesaid; or shall sell, exchange or expose to Sale, or export out of Great Britain, any Wrought Plate of Gold or Silver, or any Vessel or

(9.) By 53 Geo. III. c. 108. Offences respecting the Stamp Duties may be tried where the Offence was committed, or the Offender apprehended.

Ware of base Metal, having thereupon the Impression of any forged or counterfeited Mark, Stamp or Die, for denoting any such Duty or Duties, or the Payment of any such Duty or Duties, or any forged or counterfeited Impression of any Mark, Stamp or Die so provided, made or used as aforesaid, or any Impression of any such Mark, Stamp or Die, which shall have been transposed or removed from any other Piece of Plate as aforesaid, knowing the same respectively to be forged or counterfeited, or transposed or removed as aforesaid; or shall wilfully and without lawful Excuse (the Proof whereof shall lie on the Person accused), have or be possessed of any such forged or counterfeited Mark, Stamp or Die, for denoting any such Duty or Duties, or the Payment thereof; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Death. Benefit of Clergy.

IX. And be it further enacted by the Authority aforesaid, That if any Person (not being lawfully appointed or authorized so to do) shall make, or cause or procure to be made, or shall knowingly aid or assist in the making, or without being so appointed or authorized as aforesaid, shall knowingly have in his, her, or their Custody or Possession, without lawful Excuse (the Proof whereof shall lie on the Person accused), any Frame, Mould or Instrument, for the making of Paper, with the Words 'Excise Office' visible in the Substance of such Paper, or shall make or cause or procure to be made, or knowingly aid or assist in the making any Paper, in the Substance of which the Words 'Excise Office' shall be visible; or if any Person (except as before excepted) shall by any Art, Mystery, or Contrivance, cause or procure the said Words 'Excise Office' to appear visible in the Substance of any Paper whatever; or if any Person (not being so appointed or authorized as aforesaid) shall engrave, cast, cut, or make, or shall cause or procure to be engraved, cast, cut, or made, any Mark, Stamp, or Device, in Imitation of or to resemble any Mark, Stamp, or Device made or used by the Direction of the Commissioners of Excise in England or Scotland, or the major Part of them respectively, for the Purpose of printing, stamping, or marking of any Paper to be used as or for a Permit or Permits to accompany any exciseable Commodity or Commodities removing or removed from one Part of Great Britain to any other Part thereof, in pursuance of the Directions of any of the several Statutes requiring such Permit; every Person so offending, and being thereof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

X. And be it further declared and enacted by the Authority aforesaid, That if any Person shall, with Intent to defraud his Majesty, falsely make, forge, counterfeit or alter, or cause or procure to be falsely made, forged, counterfeited or altered, or willingly assist in falsely making, forging, counterfeiting or altering any Debenture, or any Certificate for the Payment

Forging Debentures for Return of Money from Duties of Customs or Excise.

No. 1. or Return of any Money, or any Part of any such Debenture or Certificate, or any Signature thereon, in any Case in which such Debenture or Certificate is by any Act or Acts of Parliament relating to the Duties of Customs or Excise required or directed to be given or granted; or shall wilfully, with such Intent as aforesaid, utter, publish, or make use of any such Debenture or Certificate, or Part thereof, so being wholly or in Part falsely made, forged, counterfeited or altered; every Person so offending, and being therof convicted, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

Death.

Assisting with
Arms in illegal
Exportation of
Wool or other
Goods, or in op-
posing Revenue
Laws, &c.

XI. And be it further declared and enacted by the Authority aforesaid, That if any Persons, to the Number of three or more, armed with Fire Arms or other offensive Weapons, shall hereafter within *Great Britain*, or within the Limits of any Port, Harbour, or Creek thereof, or within the *Isle of Man*, or within the Limits of any Port, Harbour or Creek thereof, be assembled in order to be aiding and assisting in the illegal Exportation of Wool or other Goods prohibited to be exported; or in the carrying of Wool or other such Goods in order to such Exportation; or in the illegal running, landing, or carrying away prohibited or uncustomed Goods, or Goods liable to pay any Duties which shall not have been paid or secured; or in the illegal relanding of any Goods whatsoever, which shall have been shipped or exported upon Debenture or Certificate, or from any Warehouse wherein such Wool or other Goods shall have been deposited under any Act of Parliament for the securing the Home Consumption Duties thereon; or in rescuing or taking away any such Wool or other Goods as aforesaid after Seizure from any Officer or Officers of the Customs or Excise, or other Officer or Officers authorized to seize the same, or other Person or Persons employed by him or them, or assisting him or them, or from the Place where the same shall have been lodged by him or them; or in rescuing any Person who shall have been apprehended for any of the Offences made Felony by any Act relating to the Revenues of Customs or Excise of *Great Britain*, or in preventing the apprehending any Person who shall have been guilty of any such Offence; or in case any Persons, to the Number of three or more, so armed as aforesaid, shall hereafter within *Great Britain*, or within the Limits of any Port, Harbour or Creek thereof, or within the *Isle of Man*, or within the Limits of any Port, Harbour, or Creek thereof, be so aiding or assisting; or if any Person shall maliciously shoot at or upon any Ship, Vessel or Boat belonging to his Majesty's Navy, or in the Service of the Customs or Excise, within the Limits of any Port, Harbour or Creek of *Great Britain*, or within the *Isle of Man*, or within the Limits of any Port, Harbour or Creek thereof, or in any Port of the *British or Irish Channels*, or on the high Seas within one hundred Leagues of the Coast of *Great Britain or Ireland*; or if any Person shall, either on Shore or on the Water, within the Limits last aforesaid, maliciously shoot at, maim, or dangerously

wound, any Officer or Officers of his Majesty's Army, Navy, Marines, Militia, or Volunteers, or any other his Majesty's Military or Naval Forces, or of the Customs or Excise, or any other Person or Persons aiding or assisting any such Officer or Officers, when acting in the due Execution of his or their Duty under any of the Powers, Authorities, or Provisions of any Act relating to the Revenues of Customs or Excise of *Great Britain*, or of any Act for the Prevention of Smuggling; every Person so offending, and every Person aiding, abetting or assisting therein, shall, being thereof convicted, be adjudged guilty of Felony, and shall suffer Death as a Felon, without Death. Benefit of Clergy; and every such Offence which shall be committed within any Port, Harbour, Creek, Haven or Roadstead, of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man* respectively, the same may and shall be enquired of, tried and determined, in the said Islands respectively; and every such Offence committed elsewhere out of the United Kingdom, may and shall be enquired of, tried, and determined in any County of the United Kingdom; and every such Offence committed within *England*, *Scotland* or *Ireland* respectively, may and shall be enquired of, tried and determined within such Part of the said United Kingdom in which such Offence shall have been respectively committed, but in any County or Shire of such Part of the said United Kingdom, in such Manner and Form as if the Offence had been committed in the County or Shire in which the same shall be enquired of, tried and determined.

XII. And be it further enacted by the Authority aforesaid, That if any Person shall be charged by Information on Oath before any Justice of the Peace, or other Person competent to take such Information in any Part of the United Kingdom, with being guilty of so assembling, aiding or assisting, or of so maliciously shooting, maiming or wounding as aforesaid, within the Limits hereinbefore respectively specified, in any case wherein any such Officer as aforesaid, or any Person aiding or assisting any such Officer in the Execution of his Duty as aforesaid, shall have been killed, such Information shall be forthwith certified by the Justice or other Person taking the same under his Hand and Seal, to one of his Majesty's Principal Secretaries of State, who shall forthwith lay the same before his Majesty in his Privy Council; and his Majesty may thereupon, if he shall so think fit, by his Order in Council, require and command the Person so charged with such Offence, that he do, within the Space of sixty Days, or such longer Time as to his Majesty shall seem fit, after the Publication of such Order in the *London Gazette*, surrender himself to the Lord Chief Justice, or any other Justice of the King's Bench, or to any Justice of the Peace, or other Person competent to take such Surrender as in such Order shall be specified; and may further order and require such Order to be proclaimed by the Sheriff of the County where the Offence shall have been committed, if committed within any County of the United Kingdom, and if not committed within any such County, then by the

* As to Proceedings under this Provision, which is taken from 19 Geo. II. c. 34; Foster, 51; 1 Wils. 164.

- No. 1. Sheriff of any County near to the Place wherein the Offence
 52 George III. c. 143. shall have been committed; and the Clerks of his Majesty's Privy Council shall cause such Order to be forthwith printed and published in the *London Gazette*, and such Publication to be repeated once in every Week after such first Publication, until the Expiration of the said sixty Days, or such other Time as shall be appointed by such Order for the Surrender of such Offender, and shall also cause a Copy of such Order, attested by the Signature of one of the said Clerks, to be transmitted to the Sheriff of the County specified in such Order, who shall, within fourteen Days after the Receipt of such Copy, cause the same to be proclaimed between the Hours of ten in the Morning and two in the Afternoon, in the respective Market Places, upon the respective Market Days of two Market Towns, in the same County, if there shall be two such Towns; and if there shall be only one such Town, then in such Town, and in some other Place of general Resort within such County, and shall also cause a true Copy of such Copy of such Order to be affixed upon some public Place in each of such Market Towns or other Place where such Proclamation shall be made; and if the Person charged with such Offence as aforesaid shall surrender himself according to such Order, the Justice or other Person to whom he shall so surrender shall commit him to some Gaol or Prison within the Limits of his Jurisdiction, to be there dealt with according to Law; but if such Person, so charged and proclaimed as aforesaid, shall not so surrender himself within the Time limited in such Order, or shall after Surrender and before Trial for such Offence escape from Justice, such Person shall, from the Day appointed for such Surrender, be adjudged to be a Person attainted of Felony, and shall suffer Death as a Felon, without Benefit of Clergy, if the Offence shall be charged to have been committed in *England*, or within the Limits of any Port, Harbour, or Creek in *England* or *Ireland*, or within one hundred Leagues of the Coast thereof; and it shall be lawful for the Court of King's Bench, or the Justices of Oyer or General Gaol Delivery, or Great Sessions for the County or Place where such Offender shall be, to award Execution against such Offender, in such Manner as if he had been convicted and attainted in the said Court of King's Bench, or before such Justices of Oyer and Terminer, or General Gaol Delivery, or Great Sessions respectively; and if the Offence shall be charged to have been committed in *Scotland*, or within any Port or Harbour, or Creek thereof, or within one hundred Leagues of the Coasts thereof, such Person shall in the like Case be adjudged, deemed, and taken to be convicted of a Capital Crime, and shall suffer the Pain of Death, and Confiscation of Moveables, as in the Case of a Person found guilty of a Capital Crime and under Sentence for the same; and it shall be lawful for the Court of Justiciary, or the Lords of Justiciary in their Circuits in *Scotland*, to award Execution against such Offender, in such Manner as if he had been found guilty and condemned in the said Courts of Justiciary or Circuit Courts respectively.

Death.

Scotland.

PART V. CLASS XV.

OFFENCES RELATING TO QUARANTINE.

No. 1.

45 George III. c. 10.—An Act for making further Provision for the effectual Performance of Quarantine.—[12th. March 1805.]

[I. Recital of 39 and 40 Geo. 3. c. 80, for erecting a Lazaret on Chetney Hill.—Grant for the same.—Treasury shall give Directions for completing the Lazaret, and appoint Officers, &c.]

No. 1.
45 George III.
c. 10.

[II. Floating Lazarets may be provided until the Lazaret shall be completed.]

[III. Certain Duties made payable by Owners of Vessels performing Quarantine.—Duties.—Duties shall be recovered as Duties of Customs.—Exemptions from Duties.]

[IV. Duties may be reduced, and afterwards increased.]

[V. Ships shall not be permitted to clear inwards until the Duties are paid.—Tonnage shall be computed as under 26 G. 3. c. 60.]

[VI. Ship Owners shall recover Duties of the Importers.]

[VII. Duties shall be carried to Consolidated Fund of Great Britain.]

[VIII. Duties shall be applied to Expences of the Lazaret.]

[IX. Repeal of 39 and 40 G. 3. c. 80, and all other Acts relating to Quarantine, except as to Arrears of Duty, &c.]

X. AND be it further enacted, That all Ships and Vessels, What Ships, as well his Majesty's Ships of War as all others, coming from or having touched at any Place from whence his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, shall have adjudged and declared it probable that the Plague, or any other infectious Disease or Distemper, highly dangerous to the Health of his Majesty's Subjects, may be brought; and all Ships, Vessels, and Boats receiving any Person, Goods, Wares, and Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, from or out of any Ships or Vessels so coming from or having touched at such infected Place as aforesaid, whether such Persons, Goods, Wares and Merchandise, Packets, Packages, Baggage, Wearing App-

No. 1. ^{45 George III. c. 10.} *panel, Books, Letters, or other Articles, shall have come or been brought in such Ships or Vessels, or such Persons shall have gone, or Articles have been put on board the same, either before or after the Arrival of such Ships or Vessels at any Port or Place in Great Britain, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, and whether such Ships or Vessels were or were not bound to any Port or Place in Great Britain or the Islands aforesaid; and all Persons, Goods, Wares and Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, on board of any such Ships or Vessels so coming from or having touched at such infected Place as aforesaid, or on board of any such Receiving Ships, Vessels, or Boats as aforesaid, shall be and be considered to be liable to Quarantine within the Meaning of this Act, and of any Order or Orders which shall be made by his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council concerning Quarantine, and the Prevention of Infection from the Time of the Departure of such Ships or Vessels from such infected Place as aforesaid, or from the Time when such Persons, Goods, Wares, Merchandise, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles shall have been received on board respectively; and all such Ships, Vessels, and Boats as aforesaid, and all Persons, (as well Pilots as others), Goods, Wares, and Merchandise, and other Articles as aforesaid, whether coming or brought in such Ships, Vessels, or Boats, from such infected Place as aforesaid, or going, or being put on board the same, either before or after the Arrival of such Ships, Vessels, or Boats, at any Port or Place in Great Britain, or the Islands aforesaid; and all Persons, Goods, Wares, and Merchandise, and other Articles as aforesaid, on board any such Receiving Ship, Vessel, or Boat, as aforesaid, shall, upon their Arrival at any such Port or Place, be obliged to perform Quarantine in such Place or Places, for such Time and in such Manner as shall from Time to Time be directed by his Majesty, his Heirs or Successors, by his or their Order or Orders in Council, notified by Proclamation, or published in the London Gazette; and that until such Ships, Vessels, and Boats, Persons, Goods, Wares, and Merchandise, and other Articles as aforesaid, shall have respectively performed and shall be duly discharged from such Quarantine, no such Person, Goods, Wares, or Merchandise, or other Articles as aforesaid, or any of them, shall, either before or after the Arrival of such Ships, Vessels, or Boats, at any Port or Place in Great Britain or the Islands aforesaid, come or be brought on Shore, or go and be put on board any other Ship, Vessel, or Boat, in order to come or be brought on Shore, in any such Port or Place, although such Ships or Vessels so coming from such infected Place as aforesaid may not be bound to any Port or Place in Great Britain, or the Islands aforesaid, unless in such Manner and in such Cases, and by such Licence as shall be directed or permitted by such Order or Orders made by his*

Majesty, his Heirs or Successors, in Council as aforesaid; and all such Ships, Vessels, and Boats, whether coming from such infected Place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons, (as well Pilots as others), Goods, Wares, and Merchandise, and other Articles as aforesaid, whether coming or brought in such Ships, Vessels, or Boats, or going or being put on board the same, either before or after the Arrival of such Ships, Vessels, or Boats, at any Port or Place in *Great Britain* or the Islands aforesaid, and although such Ships, Vessels, or Boats, shall not be bound to any Port or Place in *Great Britain*, or the Islands aforesaid, and all Commanders, Masters, or other Persons having the Charge or Command of any such Ships, Vessels, or Boats, whether coming from any infected Place, or being otherwise liable to Quarantine, as aforesaid, shall be subject to all the Provisions, Rules, Regulations, and Restrictions contained in this Act, or in any Order or Orders which shall be made by his Majesty, his Heirs and Successors, in Council as aforesaid, concerning Quarantine and the Prevention of Infection; and to all the Pains, Penalties, Forfeitures, and Punishments, contained in this Act, for any Breach or Disobedience thereof, or of any Order or Orders of his Majesty in Council, made under the Authority thereof.

XI. And whereas certain Sorts of Goods and Merchandise are more especially liable to retain Infection, and may be brought from Places infected into other Countries, and Council, may from thence imported into *Great Britain*, or the Islands aforesaid; Be it enacted, That all such Goods and Merchandise as shall be particularly specified for that Purpose in any Order or Orders made by his Majesty, his Heirs or Successors, in Council, concerning Quarantine and the Prevention of Infection as aforesaid, which shall be brought or imported into any Port or Place in *Great Britain* or the Islands aforesaid, from any foreign Country or Place, in any Ship or Vessel whatever, and the Ships or Vessels in which the same shall be brought, and also all Ships and Vessels which shall arrive from any Port or Place whatever under any alarming or suspicious Circumstances as to Infection, shall be subject and liable to such Regulations and Restrictions as shall be made by such Order or Orders of his Majesty, his Heirs or Successors, in Council as aforesaid, respecting the same.

XII. And be it further enacted, That it shall and may be lawful for the Lords and others of his Majesty's Privy-Council, or any three or more of them, to make such Order as they shall see necessary and expedient upon any unforeseen Emergency, or in any particular Case or Cases with respect to any Ship or Ships, Vessel or Vessels, arriving and having any infectious Disease or Distemper on board, or on board of which any infectious Disease or Distemper may have appeared in the Course of the Voyage, or arriving under any other alarming or suspicious Circumstances as to Infection, although such Ship or Ships, Vessel or Vessels, shall not have come from any Place

No. 1.
George III.
c. 10.

No. 1. or Places from which his Majesty, his Heirs or Successors, by
 45 George III. and with the Advice of his or their Privy-Council, may have
 c. 10. adjudged and declared it probable that the Plague, or any such
 infectious Disease or Distemper may be brought, and also
 with respect to the Persons, Goods, Wares, and Merchandize,
 and other Articles as aforesaid, on board the same; and

and in case of
 infectious Dis-
 ease appearing
 in Great Bri-
 tain;

and in case of any infectious Disease or Distemper appearing or
 breaking out in *Great Britain* or the Islands aforesaid, to make
 such Orders, and give such Directions, in order to cut off all
 Communication between any Persons infected with any such
 Disease or Distemper and the rest of his Majesty's Subjects, as
 shall appear to the said Lords or others of his Majesty's Privy
 Council or any three or more of them, to be necessary and ex-
 pedient for that Purpose; and likewise to make such Orders

and for mitigat-
 ing Quarantine, as they shall see fit for shortening the Time of Quarantine

to be performed by particular Ships or Vessels, or particular
 Persons, Goods, Wares, Merchandize, or any other Articles,
 or for wholly releasing particular Ships or Vessels, or particu-
 lar Persons, Goods, Wares, Merchandize, or other Articles
 from Quarantine, absolutely or conditionally; and generally to
 mitigate the strict Performance of Quarantine in particular
 Cases, as special Circumstances shall appear, in their Judg-
 ment, to require; and all such Orders so made by the Lords or
 others of the Privy Council, or any three or more of them as
 aforesaid, shall be as good, valid, and effectual, to all Intents
 and Purposes, (as well with respect to the Commander, Mas-
 ter, or other Person having the Charge of any such Ship or
 Vessel, and all other Persons on board the same, as with
 respect to any other Persons having any Intercourse or Com-
 munication with them, and to the Penalties, Forfeitures, and
 Punishments, to which they may respectively become liable),
 as any Order or Orders made by his Majesty, his Heirs or
 Successors, by and with the Advice of his or their Privy Coun-
 cil, concerning Quarantine, and the Prevention of Infection as
 aforesaid, and notified by Proclamation or published in the
London Gazette.

Regulations for
 Vessels in
 which Infection
 shall appear,
 within or with-
 out the Streights
 of Gibraltar,
 previous to the
 Lazaret at
 Chetney Hill
 being com-
 pleted.

**[See the Roll,*
Qu. 'floating,
See § 2. & 22.]

XIII. And be it further enacted, That if the Plague, or
 such other infectious Disease or Distemper as aforesaid, shall
 appear on board any Ship or Vessel within the Streights of
Gibraltar, the Commander, Master, or other Person having
 Charge thereof, shall immediately proceed to some one of the
 [foreign*] Lazarets, and there perform Quarantine, until such
 Time as the Land Lazaret to be erected as aforesaid shall, by
 his Majesty, his Heirs or Successors, by and with the Advice
 of his or their Privy Council, and by Order of the same, noti-
 fied by Proclamation, or published in the *London Gazette*, have
 been declared to be fit for the due Performance of Quarantine
 therein; but if such Plague, or other such infectious Disease or
 Distemper as aforesaid, shall appear on board any Ship or Ves-
 sel without the Streights of *Gibraltar*, then the Commander,
 Master, or other Person having the Charge or Command
 thereof, shall (unless such Land Lazaret shall have been so

declared to be fit for the due Performance of Quarantine therein) immediately proceed to the Harbour of *Saint Helen's*, *Tean* and *45 North Withel*, being two of the Islands commonly called *The Islands of Scilly*, or to such other Place as his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council, shall from Time to Time direct and appoint; where being arrived he shall make known his Case to some Officer of the Customs there, who shall immediately acquaint the Governor, Deputy Governor, or other Principal Magistrate thereof, and also the principal Officer of the Customs at some Port in *England* near thereunto; and the said principal Officer of the Customs at such near Port in *England* shall with all possible Speed send Intelligence thereof to the Commissioners of the Customs in the Port of *London*; and the said Governor, Deputy Governor, or other principal Magistrate shall, in like Manner, with all possible Speed, send Intelligence thereof to the Privy Council, to the End that such Measures may be taken for the Comfort and Support of the Crew and Passengers on board such Ship so infected, and such Precautions used to prevent the spreading of the Infection, as the Case shall require; and the said Ship or Vessel shall there remain until Directions shall be given relative thereto by the Lords or others of his Majesty's Privy Council, or any three or more of them; nor shall any of the Crew or Passengers on board thereof go on Shore; but in case the said Commander, Master, or other Person having Charge of the said Ship or Vessel so infected, shall not be able to make the said Islands of *Scilly*, or other Place so appointed by his Majesty as aforesaid, or shall be forced by Stress of Weather or otherwise to go up either of the Channels, it shall not be lawful for him to enter with such Ship or Vessel into any other Port or Place in *Great Britain*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, but he shall remain in some open Road till he receives Directions relative thereto from the Privy Council, and he shall use every necessary Means in his Power to prevent any of the Ship's Company or Passengers from going out of his Ship, and to avoid all Intercourse with other Ships, Vessels, or Persons; and such Ship's Company or Passengers shall, until such Commander, Master, or other Person shall have received such Directions, remain in such Ship, and shall avoid all Intercourse with other Ships, Vessels, or Persons; and such Master, and every other Person on board such Ship or Vessel shall obey such Directions as he shall receive from the Lords or others of his Majesty's Privy Council, or any three or more of them as aforesaid; and the said Commander, Master, or any other Person on board such Ship or Vessel as aforesaid, who shall not act conformably to the Provisions and Regulations herein directed, or shall act in Disobedience to such Directions as shall be received on board such Ship or Vessel from the Lords or others of the Privy Council, or any three or more of them as aforesaid, shall be adjudged guilty of

No. 1.
George III.
c. 10.

No. I. Felony, and shall suffer Death as in Cases of Felony, without
45 George III. Benefit of Clergy.
e. 10.

Masters of Ships
liable to Quarantine shall
make Signals on
Meeting other
Ships at Sea, or
being within
four Leagues of
the United
Kingdom or
Guernsey, &c.
on Penalty of
200l.

XIV. And be it further enacted, That every Commander, Master, or other Person having the Charge of any Ship or Vessel liable to the Performance of Quarantine, shall be and is hereby required at all Times when such Ship or Vessel shall meet with any other Ship or Vessel at Sea, or shall be within four Leagues of the Coast of *Great Britain* or *Ireland*, or the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark* or *Man*, to hoist a Signal to denote that his Ship or Vessel is liable to the Performance of Quarantine; which Signal shall be, in the Day Time, if the said Ship or Vessel shall have a clean Bill of Health, a large yellow Flag of six Breadths of Bunting at the Main-top-mast Head; and if such Ship or Vessel shall not have a clean Bill of Health, then a like yellow Flag, with a circular Mark or Ball entirely Black in the Middle thereof, whose Diameter shall be equal to two Breadths of Bunting; and in the Night Time the Signal shall in both Cases be a large Signal Lanthorn, with a Light therein (such as is commonly used on board his Majesty's Ships of War), at the same Mast-head; and such Commander, Master, or other Person shall keep such Signals respectively, as the Case shall be, hoisted during such Time as the said Ship shall continue within Sight of such other Ship or Vessel, or within four Leagues of the said Coasts or Islands, and while so in Sight, or within such Distance, until such Ship or Vessel so liable to Quarantine as aforesaid shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on Failure whereof such Commander, Master, or other Person, having Charge of such Ship or Vessel so liable to the Performance of Quarantine, shall forfeit and pay for every such Offence the Sum of two hundred Pounds.

Penalty of 200l.
on Persons
hoisting Signals
when not liable.

XV. And be it further enacted, That if any Commander, Master, or other Person having the Charge or Command of any Ship or Vessel, and knowing that the same is not liable to the Performance of Quarantine, shall hoist such Signals as aforesaid, or either of them, by Day or Night respectively, such Commander, Master, or other Person as aforesaid, shall forfeit and pay the Sum of two hundred Pounds.

Masters of Vessels, on their Arrival from foreign Parts, shall give to the Pilots an Account of the Places at which they shall have laden and touched.

Penalty 200l.

XVI. And be it further enacted, That from and after the first Day of *June* one thousand eight hundred and six, as to all Ships or Vessels arriving from any Places beyond the *Cape of Good Hope*, or *Cape Horn*, in *South America*; and after the first Day of *August* one thousand eight hundred and five, as to all Ships or Vessels arriving from any Parts of *Africa* or *America*, not beyond those Capes, and from the *West Indies* and *Mediterranean*; and from and after the first Day of *May* one thousand eight hundred and five, as to all Ships and Vessels arriving from any other Places; every Commander, Master, or other Person having the Charge of any Ship or Vessel coming from foreign Parts, shall give to the Pilot who shall go on board such Ship or Vessel a written Paper, containing a true

Account of the Names of the Place and Country at which such Ship or Vessel shall have loaded, and also of all the 45 Places at which any such Ship or Vessel shall have touched on the homeward Voyage, on Pain of forfeiting the Sum of two hundred Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of his Majesty in Council, made after the Departure of any such Ship or Vessel from Great Britain, and then in force, Ships and Vessels coming from any Place mentioned in any such Paper shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person aforesaid of such Ship or Vessel, on Pain of forfeiting the Sum of fifty Pounds for any Neglect therein; and such Commander or other Person shall thereupon hoist a proper Signal according to the Provisions of this Act, and under the Penalties in this Act contained, for any Neglect or Refusal in respect of hoisting such Signals.

XVII. And be it further enacted, That in case any Pilot shall bring or conduct, or cause to be brought or conducted, any Ship or Vessel liable to the Performance of Quarantine, into any Place which is not, or which shall not be specially appointed for the Reception of Ships and Vessels so liable, after receiving such Paper as aforesaid, whereby it shall have been made appear that such Ship or Vessel was liable to the Performance of Quarantine, or without requiring and receiving such Paper as aforesaid of and from every such Commander, Master, or other Person having the Charge of any Ship or Vessel coming from foreign Parts, unless compelled by Stress of Weather, adverse Winds, or Accidents of the Sea, such Pilots shall for each and every such Offence forfeit and pay the Sum of one hundred Pounds.

XVIII. And, to the End that it may be the better known whether any Ship or Vessel be actually infected with the Plague, or other infectious Disease or Distemper as aforesaid, or whether such Ship or Vessel, or the Mariners or Passengers coming, or the Cargo imported in the same, are liable to any Orders touching Quarantine; be it further enacted, That when any Country or Place shall be known to be, or suspected to be infected with the Plague, or other such infectious Disease or Distemper as aforesaid, or when any Order or Orders shall be made by his Majesty in Council concerning Quarantine, and the Prevention of Infection as aforesaid, then and in such Case, as often as any Ship or Vessel shall attempt to enter into any Port or Place in Great Britain, or of the Isles of Guernsey, Jersey, Alderney, Sark, or Man, whether such Port shall have been appointed for the Performance of Quarantine or not, the Superintendent of Quarantine, or his Assistant, if there shall be such Superintendent or Assistant at such Port or Place, or if not, the principal Officer of his Majesty's Customs at such Port or Place, or such Officer of the Customs as shall be authorized by the Commissioners of the Customs, or any four or

No. 1. more of them, to act in that Behalf, shall go off to such Ship or Vessel, and shall, at a convenient Distance from such Ship or Vessel, demand of the Commander, Master, or other Person having Charge of such Ship or Vessel, and such Commander, Master, or other Person having Charge of such Ship or Vessel shall upon such Demand give a true Answer in Writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Superintendent or his Assistant, or other Officer of the Customs authorized as aforesaid, be required, to all such Questions or Interrogatories as shall be put to him, by virtue and in pursuance of such Regulations and Directions as his Majesty, by Order in Council, shall be pleased to prescribe; and in case such Commander, Master, or other Person having Charge of such Ship or Vessel, shall, upon such Demand made as aforesaid, refuse to make a true Discovery in any of the Particulars concerning which he shall be interrogated in Manner aforesaid, or in case he shall not be required to answer such Questions or Interrogatories upon Oath, shall give a false Answer to any such Question or Interrogatory as aforesaid, such Commander, Master, or other Person having Charge of such Ship or Vessel, for every such Offence shall forfeit and pay the Sum of two hundred Pounds.

Ships subject to Quarantine arriving at any Port except that at which it ought to be performed may be forced to repair to the appointed Place.

XIX. And be it further enacted, That in case it shall appear upon such Examination or otherwise, that such Ship or Vessel is under such Circumstances as shall render it liable to perform Quarantine, and that the Port or Place where it so arrives, or at which it attempts to enter as aforesaid, is not the Port or Place where it ought so to perform Quarantine, in such Case it shall and may be lawful to and for the Officers of any of his Majesty's Ships of War, or of any of his Majesty's Forts or Garrisons, and all other his Majesty's Officers, upon Notice thereof given to them or any of them respectively, and to and for any other Person or Persons whom they shall call to their Aid and Assistance, and such Officers and other Persons are hereby required, to oblige such Ship or Vessel to go and repair to such Place as hath been or shall be appointed for Performance of Quarantine, and to use all necessary Means for that Purpose, either by firing of Guns upon such Ship or Vessel, or by any other Kind of necessary Force whatsoever; and in case any such Ship or Vessel shall come from or shall have touched at any Place infected by the Plague, or such other infectious Disease or Distemper as aforesaid, or shall have any Person on Board actually infected with the Plague, or such other infectious Disease or Distemper, as aforesaid, and the Commander, Master, or other Person having Charge of such Ship or Vessel, knowing that the Place from whence he came, or at which he had touched as aforesaid, was infected with the Plague, or such other infectious Disease or Distemper, or knowing some Person on board to be actually infected with the Plague, or such other infectious Disease or Distemper as aforesaid, shall refuse or omit to disclose the same upon such Examination as aforesaid, or shall wilfully omit to hoist the Signal

Masters of Vessels having touched at infected Places, &c. omitting to disclose the same, or to hoist prescribed Signals, shall be guilty of Felony without Clergy.

herein-before directed, to denote that his Ship or Vessel is liable to the Performance of Quarantine, at the Times and on ~~45~~^{c. 10.} George III.
the Occasions herein directed with respect to the same, such Commander, Master, or other Person having Charge of such Ship or Vessel, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

XX. And be it further enacted, That every Commander, Master or other Person having Charge of any Ship or Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith, after his Arrival at the Place appointed for the Performance of his Quarantine, deliver, on Demand, to the Superintendent of Quarantine, or his Assistant, or other Officer of the Customs authorized as aforesaid to act in that Behalf, and which Superintendent, Assistant, or other Officer as aforesaid, is hereby required to make such Demand, his Bill of Health and Manifest, together with his Log Book and Journal, under Pain of forfeiting the Sum of one hundred Pounds, if he shall wilfully refuse and neglect so to do.

XXI. And be it further enacted, That if any Commander, Master, or other Person having Charge of any Ship or Vessel liable to perform Quarantine, and on board of which the Plague or other such infectious Disease or Distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any Seaman or Passenger coming in such Ship or Vessel to quit such Ship or Vessel by going on Shore, or by going on board any other Ship, Boat, or Vessel, before such Quarantine shall be fully performed, unless in such Cases and by virtue of such Licence as shall be directed and granted, and by virtue of such Order or Orders to be made concerning Quarantine, and the Prevention of Infection as aforesaid; or in case any Commander, Master, or other Person, having Charge of such Ship or Vessel shall not, within a convenient Time after due Notice given for that Purpose, cause such Ship or Vessel, and the Lading thereof to be conveyed into the Place or Places appointed for such Ship, Vessel and Lading, to perform their Quarantine respectively, then and in every such Case every such Commander, Master, or other Person as aforesaid, for every such Offence shall forfeit and pay the Sum of five hundred Pounds; and if any Person coming in any Ship or Vessel liable to perform Quarantine (or any Pilot or other Person going on board the same, either before or after the Arrival of such Ship or Vessel at any Port or Place in Great Britain, or the Islands aforesaid) shall, either before or after such Arrival, quit such Ship or Vessel by going on Shore in any Port or Place in Great Britain or the Islands aforesaid, or by going on board any other Ship, Vessel, or Boat, with Intent to go on Shore as aforesaid, before such Ship or Vessel, so liable to Quarantine as aforesaid, shall be regularly discharged from the Performance thereof, it shall and may be lawful for all Persons whatsoever, by any Kind of necessary Force, to compel such Pilot or other Person so quitting such

No. I.
45 George III.
c. 10.

Ship or Vessel so liable to Quarantine, to return on board the same; and every such Pilot or other Person so quitting such Ship or Vessel so liable to Quarantine, shall for every such Offence suffer Imprisonment for the Space of six Months, and shall forfeit and pay the Sum of two hundred Pounds.

No Goods shall be landed from Vessels having performed Quarantine in a foreign Lazaret, without Notice to the Officer of the Customs, nor before Directions from the Privy Council, on Penalty of 200l.

XXII. And be it further enacted, That when any Ship or Vessel which has performed Quarantine in any foreign Lazaret shall arrive in any of the Ports of *Great Britain*, or the Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, with a clean Bill of Health, no Goods or Merchandize shall be permitted to be landed or unshipped, unloaded or moved, in order to be landed out of such Ship or Vessel; but the Commander, Master, or other Person having the Charge or Command of such Ship or Vessel, shall immediately upon his Arrival give Notice thereof, and of the foreign Port or Ports in which such Ship or Vessel hath performed Quarantine, to the principal Officer of his Majesty's Customs at the Port where he shall arrive, or at the Port nearest thereto, in order that the same may be forthwith laid before his Majesty's Privy Council; and if the Commander, Master, or other Person as aforesaid, or any Person whatsoever, shall land, or shall unship, unload, or move, in order to land any Goods or Merchandize out of the said Ship or Vessel, before an Order of his Majesty's Privy Council shall be made, giving Directions therein, or otherwise than shall be directed in the said Order, every such Person shall, for every such Offence, forfeit and pay the Sum of two hundred Pounds.

For punishing Disobedience or refractory Behaviour by Force in Persons under or liable to Quarantine, or Persons having Intercourse with them.

XXIII. And whereas Disobedience or refractory Behaviour in Persons under Quarantine, or liable to the Performance of Quarantine, or in other Persons who may have had any Intercourse or Communication with them, may be attended with very great Danger to his Majesty's Subjects; be it further enacted, That all Persons liable to perform Quarantine, and all Persons having had any Intercourse or Communication with them, whether in Ships or in a Lazaret, or elsewhere, shall be subject, during the said Quarantine, or during the Time they shall be liable to Quarantine, to such Orders as they shall receive from the Superintendent of Quarantine or his Assistant, or from the principal Officer of the Customs at any Port or Place where there is no such Superintendent or Assistant, or from any other Officer of the Customs authorized as aforesaid to act in that Behalf; and the said Officers are hereby empowered and required to enforce all necessary Obedience to the said Orders, and in case of Necessity to call in others to their Assistance, and all Persons so called in are hereby required to assist accordingly; and such Officers shall, and they are hereby empowered and required to compel all Persons liable to perform Quarantine as aforesaid, and Persons having had any Intercourse or Communication with them, to repair to such Lazaret, Ship, Vessel, or Place, and to cause all Goods, Wares, and Merchandize, and other Articles comprised within any such Orders to be made as last aforesaid, to be conveyed to such Lazaret, Ship, Vessel, or Place duly ap-

pointed in that Behalf, in such Manner and according to such Directions as shall be made by Order of his Majesty in Council as aforesaid, or of the Lords and others of the Privy Council, or of any three or more of them; and if any Person or Persons liable to perform Quarantine as aforesaid, or any Person or Persons having had any Intercourse or Communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officer as aforesaid, to the said Lazaret, Ship, Vessel, or Place duly appointed in that Behalf, or having been placed in the said Lazaret, Ship, Vessel, or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officer, and also the Watchmen and other Persons appointed to see Quarantine performed, and each of them, and they are hereby respectively required, by such necessary Force as the Case shall require, to compel every such Person so refusing or neglecting as aforesaid, and every such Person so escaping or attempting to escape as aforesaid, to repair or return to such Lazaret, Ship, Vessel, or Place so appointed as aforesaid; and every Person so refusing or neglecting to repair forthwith, as aforesaid, to the said Lazaret, Ship, Vessel, or Place, and also every Person actually escaping as aforesaid, shall be adjudged guilty of Felony, and suffer Death as in Cases of Felony without Benefit of Clergy.

Penalty on Disobedience, Felony without Benefit of Clergy.

XXIV. And be it further enacted, That it shall be law-
ful for any Constable, Headborough, Tythingman, or other
Peace Officer, or any other Person, to seize and apprehend
any Person that shall, contrary to the Provisions of this Act,
have quitted or come on Shore from any Ship or Vessel liable
to perform Quarantine, or who shall have escaped from or
quitted any Ship or Vessel under Quarantine, or from any
Lazaret, Ship, Vessel, or Place, appointed in that Behalf,
for the Purpose of carrying such Person before any Justice of
the Peace or Magistrate, and it shall be lawful for any such
Justice of the Peace or Magistrate to grant his Warrant for the
apprehending and conveying of any such Person to the Ship
or Vessel from which he or she shall have come on Shore, or
to any Ship or Vessel performing Quarantine, or Lazaret, from
which he or she shall have escaped, or for the confining of
any such Person in any such Place of safe Custody, (not being
any public Jail), and under such Restrictions as to having any
Communication with any other Persons, as may, in the Dis-
cretion of any Justice of the Peace or Magistrate, (calling to
his Aid, if he shall see fit, any medical Person), appear to be
proper, until such Person can be safely and securely conveyed
to some Place appointed for the Performance of Quarantine,
or until Directions can be obtained from the Privy Council, as
to the Disposal of any such Person, and to make any further
Order or grant any further Warrant that may be necessary in
that Behalf.

Persons quitting
Ship liable to
perform Quar-
antine, &c.
may be seized.

No. 1.
43 George III. c. 10.

[XXV. Indemnity for Orders in Council for sending afloat to perform Quarantine Persons who had had Intercourse with a Vessel from which Danger was apprehended.]

Penalty on Officers embezzling Goods performing Quarantine, or neglecting their Duty, tool, and Incapacity.

XXVI. And be it further enacted, That if any Officer of his Majesty's Customs, or any other Officer or Person whatsoever to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine, or the Prevention of Infection, and notified as aforesaid, or to see the same put in Execution, shall knowingly and wilfully embezzle any Goods or Articles performing Quarantine, or be guilty of any other wilful Breach or Neglect of his Duty in respect of the Ships, Persons, Goods, or Articles performing Quarantine, every such Officer and Person so offending shall forfeit such Office or Employment as he may be possessed of, and shall become from thenceforth incapable to hold or enjoy the same, or to take a new Grant thereof; and every such Officer and Person shall forfeit and pay the Sum of one hundred Pounds; and if any such Officer or Person shall desert from his Duty when employed as aforesaid, or shall knowingly and wilfully permit any Person, Ship, Vessel, Goods, or Merchandise, to depart or be conveyed out of the said Lazaret, Ship, or other Place as aforesaid, unless by Permission under an Order of his Majesty, by and with the Advice of his Privy Council, or under an Order of three or more of the Lords or others of his Privy Council, or if any Person hereby authorized and directed to give a Certificate of a Ship having duly performed Quarantine or Airing, shall knowingly give a false Certificate thereof, every such Person so offending shall be deemed guilty of Felony, and suffer Death, as in Cases of Felony without Benefit of Clergy; and if any such Officer or Person shall knowingly and wilfully damage any Goods performing Quarantine under his Direction, he shall be liable to pay Treble Damages and full Costs of Suit to the Owner of the same.

Persons not infected entering the Lazaret shall perform Quarantine, and attempting to escape may be compelled to return; and such Persons escaping shall be guilty of Felony without Clergy.

XXVII. And be it further enacted, That if any Person not infected with the Plague, or other infectious Disease or Distemper as aforesaid, nor liable to perform Quarantine, shall enter the said Lazaret, or other Place so appointed as aforesaid, whilst any Person or Persons infected with the Plague, or being under Quarantine shall be therein, such Person so entering the said Lazaret, or other Place so appointed as aforesaid shall perform Quarantine there; and if he or she shall return or attempt to return from thence, unless in such Cases and by such Licences as shall be directed and granted by virtue of such Order or Orders of his Majesty in Council, or of the Lords or others of his Majesty's Privy Council, or any three or more of them, as aforesaid, it shall and may be lawful to and for the Quarantine Officers, Watchmen, and other Persons appointed to guard or secure the said Lazaret or other Place so appointed as aforesaid, by such necessary Force as the Case shall require, to compel such Persons so returning or attempting to return, to repair into the said Lazaret or other Place so

appointed as aforesaid, there to continue and perform Quarantine; and in case such Person shall actually escape out of the said Lazaret, or other Place where he or she ought to have performed Quarantine, before he or she shall have fully performed the same, he or she shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

[XXVIII. After Proof of Performance of Quarantine, and proper Certificate to that Effect, Vessels or Persons shall not be liable to further Detention.]

XXIX. And be it further enacted, That all Goods, Wares, Goods liable to and Merchandise, and other Articles liable to Quarantine as aforesaid, shall be opened and aired in such Place or Places, opened and aired for such Time and in such Manner, as shall be directed by his Majesty, his Heirs and Successors, by such Order or Orders to be made as aforesaid; and after such Orders shall have been duly complied with, a Certificate thereof shall be given the Officer of by the chief Officer appointed to superintend the Quarantine the Customs, and Airing of such Goods, Wares, and Merchandise, and other Articles, or by the Person acting for him, and Proof of which shall be made before the Oaths of two or more credible Witnesses, before the Collector or other principal Officer of the Customs at the Port lying next to such Place or Places further where such Goods, Wares, or Merchandise, or other Articles, shall have been opened and aired as aforesaid, or before any Justices of the Peace living near the same, or before any two Jurats or Magistrates of the said Isles of Guernsey, Jersey, Alderney, Sark, or Man, respectively; which Collector or other principal Officer, or such Justice, or Jurats or Magistrates respectively, as the Case may be, shall also make Certificate of such Proof having been made; and upon the Production of such Certificates to his Majesty's Commissioners of the Customs in England or Scotland, respectively, or to the Governor or Lieutenant Governor, Commander in Chief, or chief Magistrate of any of the said last-mentioned Islands, as the Case may be, such Goods, Wares, and Merchandise, and other Articles, shall be forthwith discharged from any Restraint or Detention upon the same account, by Order of the said Commissioners, or any three or more of them, or of the said Governor, Lieutenant Governor, Commander in Chief, or chief Magistrate respectively.

XXX. And be it further enacted, That if any Person shall knowingly and wilfully forge or counterfeit, or procure to be forged or counterfeited, any Certificate required to be granted by this Act, or shall publish as true any such forged or counterfeited Certificate, knowing the same to be forged or counterfeited; he or she shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

XXXI. And be it further enacted, That if any Person shall land or unship, or shall move, in order to the landing or unshipping thereof, any Goods, Wares, or Merchandise, from Vessels.

No. 1.
George III.
c. 10.

No. 1. Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other Articles whatever, from on board any Ship or Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such Person shall forfeit and pay a Sum not exceeding the Sum of five hundred Pounds, nor less than the Sum of one hundred Pounds; and if any Person or Persons shall clandestinely convey, or shall secrete or conceal for the Purpose of conveying, any Letters, Goods, Wares, or Merchandise, or other Articles as aforesaid, from any Ship or Vessel actually performing Quarantine, or from the Lazaret or other Place where such Goods, Wares, Merchandise, or other Articles as aforesaid, shall be performing Quarantine, every such Person so offending as last aforesaid shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy.

and Felony
without Clergy.
His Majesty in
Cases of Infec-
tion may prohi-
bit Vessels un-
der twenty
Tons from sail-
ing until Bond
be given by the
Master, condi-
tioned not to
touch at Places
specified, &c.

XXXII. And be it further enacted, That in case it shall at any Time happen that any Part of *Great Britain, Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, or Portugal, or the Low Countries,* shall be infected with the Plague, or any other such infectious Disease or Distemper as aforesaid, it shall and may be lawful to and for his Majesty, his Heirs and Successors, by his or their Proclamation, to prohibit and restrain all small Boats and Vessels under the Burthen of twenty Tons, from sailing or passing out of any Port or Place of *Great Britain, or the Isles of Guernsey, Jersey, Alderney, Sark, and Man,* or any of them, until Security be first given by the Master of every such Boat or Vessel respectively, to the Satisfaction of the Principal Officer of the Customs, or the Chief Magistrate of the Port or Place from whence such Boat or Vessel shall sail, by Bond taken by such Officer or Magistrate, to the King, his Heirs or Successors, with sufficient Sureties, in the Penalty of three hundred Pounds, with Condition that if such Boat or Vessel shall not go to or touch at any Country, Port, or Place, to be mentioned for that Purpose in such Proclamation, and if neither the Master or other Person having Charge of such Boat or Vessel, nor any Mariner or Passenger in such Boat or Vessel, shall, during the Time aforesaid, go on board any other Ship or Vessel at Sea, and such Master, or other Person having Charge of such Boat or Vessel, shall not permit or suffer any Person or Persons to come on board such Boat or Vessel at Sea, from any other Ship or Vessel, and shall not, during the Time aforesaid, receive any Goods and Merchandise whatsoever, out of any other Ship or Vessel; then such Bond shall be void; for the making of which Bond no Fee or Reward whatsoever shall be taken; and in case any Boat or Vessel, for which such Security shall be required by such Proclamation, shall set sail or pass out of any Port or Place of *Great Britain, or the Islands of Guernsey, Jersey, Alderney, Sark, and Man,* or any of them respectively, before such Security be given as aforesaid, every such Boat or Vessel so sailing or passing out of any Port or

Place, contrary to the true Intent and Meaning of this Act, No. 1. together with her Tackle, Apparel, and Furniture, shall be 45 George III. forfeited to his Majesty, his Heirs and Successors, and the Master of and every Mariner sailing in any such Boat or Vessel, ing without giving such Securi-
shall severally forfeit and pay the Sum of twenty Pounds. c. 10.
Penalty for sail-
ing without giving
such Securi-
ty; Forfeiture,
and 2d. per
man.

XXXIII. And be it further enacted, That the Publication in the *London Gazette* of any Order in Council, or of any Order by three or more of the Lords or others of his Majesty's Privy Council, made in pursuance of this Act, or his Majesty's Royal Proclamation, made in pursuance of the same, of Council, &c. shall be deemed and taken to be sufficient Notice to all Persons concerned of all Matters therein respectively contained.

XXXIV. And be it further enacted, That all Forfeitures Recovery and Penalties aforesaid, that shall be incurred by reason of any Offence committed against any Part of this Act, shall and may be recovered by Suit in any of his Majesty's Courts of Record at *Westminster*, in which no Essoign or Wager of Law, or more than one Impariment shall be granted, or in *Scotland* by summary Action in the Court of Session, or by Prosecution before the Court of Justiciary there, or by Suit in any of his Majesty's Courts in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*; and every such Forfeiture and Penalty shall belong and be given, one Moiety to the Person who shall inform and sue for the same, and the other Moiety to his Majesty, his Heirs and Successors, to be applied towards defraying the Expences of erecting and maintaining the Lazaret as aforesaid.

XXXV. Provided always, and be it further enacted, That Actions for Penalties shall not be lawful for any Person or Persons whatsoever, to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Plaintiff, Information, or Prosecution, or Actions, Bills, Plaints, Informations, or Prosecutions, in any of his Majesty's Courts in *England* or *Scotland*, or any Proceeding or Proceedings before any Justices of the Peace of any County, Riding, Division, City, Town, Stewartry, or Place, for the Recovery of any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by his Majesty, his Heirs or Successors, in Council, or by any three or more of the Lords or others of his Majesty's Privy Council as aforesaid, unless the same be commenced, prosecuted, entered, or filed in the Name of his Majesty's Attorney General in *England*, or Advocate in *Scotland*, respectively, or in the Name or Names of some Officer or Officers of the Customs in *England* or *Scotland*, respectively; and if any Action, Bill, Plaintiff, Information, or Prosecution, Actions, Bills, Plaints, Informations, or Prosecutions, or any Proceeding or Proceedings before any Justices as aforesaid, shall be commenced, prosecuted, entered, or filed, in the Name or Names of any other Person or Persons than is in that Behalf before-mentioned, the same shall be and are hereby declared to be null and void.

No. 1.
45 George III.
c. 10.

In Prosecutions
by Officers of
the Customs the
Attorney General
in England
or Advocate in
Scotland may
stop Proceed-
ings.

XXXVI. Provided also, and be it further enacted, That in case any Prosecution, Suit, Complaint, or other Proceeding as aforesaid, shall be commenced or depending by any Officer or Officers of the Customs, for the Recovery of any Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, incurred by reason of any Offence committed against this Act, or against any Order or Orders made by his Majesty, his Heirs or Successors, in Council, or by any three or more of the Lords or others of his Majesty's Privy Council as aforesaid, it shall and may be lawful for his Majesty's Attorney General in England, or Advocate in Scotland, respectively, to stop all further Proceedings therein, as well with respect to the Share of such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, to which any such Officer or Officers shall or may claim to be entitled, as to the Share thereof belonging to his Majesty, if upon Consideration of the Circumstances under which any such Fine, Penalty, or Forfeiture, Fines, Penalties, or Forfeitures, may have been incurred, it shall appear to them respectively to be fit and proper so to do.

Persons autho-
rised to take
Examinations
may administer
Oaths, and Per-
sons swearing
falsely, or pro-
curing others so
to do, shall be
deemed guilty
of Perjury.

XXXVII. And be it further enacted, That in all Cases wherein, by or by virtue and in pursuance of this Act, any Examinations or Answers shall be taken or made upon Oath, the Person who shall be authorized and required to take such Examinations and Answers, shall and shall be deemed to have full Power and Authority to administer such Oaths; and if any Person who shall be so interrogated or examined, shall wilfully swear falsely to any Matter, concerning which such Person shall depose or make Oath on such Examination or in such Answers, or if any Person shall procure any other Person so to do, he or she so swearing falsely, or procuring any other Person so to do, shall be deemed to have been guilty of, and shall be liable to be prosecuted for wilful and corrupt Perjury, or Subornation of wilful and corrupt Perjury, as the Case may be, and shall suffer the Pains, Penalties, and Punishments, of the Law, in such Case respectively made and provided.

Offences, not
being Felony,
and Offences
not punished by
specific Penalty,
may be deter-
mined before
two Justices,
who may fine
not exceeding
50l. or impris-
on not exceed-
ing three
Months.

XXXVIII. And be it further enacted, That all Offences committed against any of the Provisions of this Act, not being Felony, and every Offence or Disobedience to any Order of Council, made for the better carrying into Execution this Act, for which no specific Penalty, Forfeiture, or Punishment is provided by this Act, shall and may be tried, heard, and determined before any two Justices of the Peace of the County, Riding, Division, City, or Place where such Offence or Disobedience shall happen; and if any Person shall be convicted of any such Offence or Disobedience, he or she shall be liable to such Forfeiture and Penalty, not exceeding the Sum of fifty Pounds for any one Offence, or to such Imprisonment not exceeding three Months for any one Offence, as shall, in the Discretion of the two Justices who shall have heard and determined the same, be judged proper; and such Forfeiture and Penalty shall be paid, one Moiety to the Person suing for the same, and the other to his Majesty, to be

applied as the Moieties of other Forfeitures and Penalties herein-before directed to be applied.

No. 1.
45 George III.
c. 10.

XXXIX. Provided always, and it is hereby enacted, That no Attainder of Felony by virtue of this Act, shall be extended to work any Corruption of Blood, or Forfeiture of any Goods, Chattels, Lands, Tenements, or Hereditaments.

No Attainder
of Felony shall
work Corrup-
tion of Blood,
etc.

XL. And be it further enacted, That in any Prosecution, Suit, or other Proceeding against any Person or Persons whatsoever, for any Offence against this Act, or any Act which may hereafter be passed concerning Quarantine, or for any Breach or Disobedience of any Order or Orders which shall be made by his Majesty, his Heirs or Successors, by and with the Advice of his or their Privy Council concerning Quarantine, and the Prevention of Infection, and notified or published as aforesaid, or of any Order or Orders made by three or more of the Lords or others of the Privy Council as aforesaid, the Answer or Answers of the Commander, Master, or other Person having Charge of any Ship or Vessel, to any Questions or Interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as Evidence so far as the same relates or relate to the Place from which such Ship or Vessel came, or to the Place or Places at which such Ship or Vessel touched in the Course of her Voyage; and where any Ship or Vessel shall have been directed to perform Quarantine by the Superintendent of Quarantine or his Assistant, or where there is no such Superintendent or Assistant, by the Principal Officer of the Customs at any Port or Place, or other Officer of the Customs authorized as aforesaid to act in that Behalf, the having been so directed to perform Quarantine may and shall be given and received as Evidence that such Ship or Vessel was liable to Quarantine, unless satisfactory Proof shall be produced by the Defendant or Defendants in any such Prosecution, Suit, or other Proceeding, to shew that the Ship or Vessel did not come from or touch at any such Place or Places as is or are stated in the said Answer or Answers, or that such Ship or Vessel, although directed to perform Quarantine, was not liable to the Performance thereof; and where any Ship or Vessel shall in fact have been put under Quarantine at any Port or Place, by the Superintendent of Quarantine or his Assistant, or other Officer of the Customs authorized as aforesaid to act in that Behalf, and shall actually be performing the same, such Ship or Vessel shall, in any Prosecution, Suit, or other Proceeding against any Person or Persons whatever, for any Offence against this Act, or any other Act which may hereafter be passed concerning Quarantine, or against any Order or Orders concerning Quarantine, and the prevention of Infection, which shall be made by his Majesty in Council, or by three or more of the Lords or others of his Privy Council as aforesaid, be deemed and taken to be liable to Quarantine, without proving

Answers of Per-
sons having the
Charge of Ves-
sels shall be re-
ceived as Evi-
dence, so far as
related to the
Places from
which Vessels
came, or, at
which they
touched, and
the having been
directed to per-
form Quarani-
tine shall be re-
ceived as Evi-
dence that Ves-
sels were liable
thereto, unless
Proof be made
to the contrary,
and the being
performing
Quarantine
shall be Proof
of Vessels
being liable to
perform it.

No. 1. in what Manner or from what Circumstances such Ship or
 45 George III. Vessel became liable to the Performance thereof.
 c. to.

XLI. And be it further enacted, That whenever any Person
 On Affidavit of son or Persons shall be charged with any Offence against this
 Indictment filed Act, or any Act which shall hereafter be passed concerning
 for Offences under this Act, Quarantine, or with any Breach or Disobedience of any Order
 a Judge may cause the Party or Orders which shall be made by his Majesty, his Heirs or
 to be apprehended, and if Successors, in Council as aforesaid, or of any Order or Orders
 he refuse to become bound for made by the Lords or others of the Privy Council, or any three
 Appearance, he or more of them as aforesaid, and the same shall be made appear
 may be committed to Gaol. to any Judge of his Majesty's Court of King's Bench by
 Affidavit or by Certificate, of an Indictment or Information
 being filed against such Person or Persons in the said Court for
 such Offence, it shall and may be lawful for such Judge to
 issue his Warrant in Writing under his Hand and Seal, and
 thereby to cause such Person or Persons to be apprehended and
 brought before him or some other Judge of the said Court, or
 before some one of his Majesty's Justices of the Peace, in order
 to his, her, or their being bound to the King's Majesty with
 two sufficient Sureties in such Sum as in the said Warrant shall
 be expressed, with Condition to appear in the said Court at the
 Time mentioned in such Warrant, and to answer to all and
 singular Indictments or Informations for any of the Offences
 aforesaid; and in case such Person or Persons shall neglect or
 refuse to become bound as aforesaid, it shall be lawful for such
 Judge or Justice of the Peace respectively, to commit such Per-
 son or Persons to the Common Gaol of the County, City, or
 Place where the Offence shall have been committed, or where
 he, she, or they shall have been so apprehended, until he, she,
 or they shall have become bound as aforesaid, or shall be dis-
 charged by Order of the said Court of King's Bench in Term
 Time, or by one of the Judges of the said Court in Vacation,
 and the Recognizance or Recognizances to be taken there-
 upon shall be returned and filed in the said Court, and shall
 continue in force until such Person or Persons shall have been
 acquitted of such Offence, or in case of Conviction shall have
 received Judgment for the same, unless sooner ordered by the
 said Court to be discharged; and that where any Person or
 Persons, by virtue of such Warrant and Commitment as afore-
 said, is or are now detained, or shall hereafter be committed
 and detained in any Gaol for Want of Bail, it shall be lawful
 for the Prosecutor of such Indictment or Information, to cause
 a Copy thereof to be delivered to such Person or Persons, or
 to the Gaoler, Keeper, or Turnkey of the Gaol wherein such
 Person or Persons is, are, or shall be so detained, with a No-
 tice thereon indorsed, that unless such Person or Persons shall,
 within eight Days from the Time of such Delivery of a Copy of
 the Indictment or Information as aforesaid, cause an Appear-
 ance, and also a Plea or Demurrer to be entered in the said
 Court to such Indictment or Information, an Appearance and
 the Plea of Not Guilty will be entered thereto, in the Name
 or Names of such Person or Persons respectively; and in case

Where Persons are detained, Prosecutor may cause a Copy of said, is or are now detained, or shall hereafter be committed and detained in any Gaol for Want of Bail, it shall be lawful for the Prosecutor of such Indictment or Information, to cause a Copy thereof to be delivered to such Person or Persons, or to the Gaoler, Keeper, or Turnkey of the Gaol wherein such Person or Persons is, are, or shall be so detained, with a Notice thereon indorsed, that unless such Person or Persons shall, within eight Days from the Time of such Delivery of a Copy of the Indictment or Information as aforesaid, cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, an Appearance and the Plea of Not Guilty will be entered thereto, in the Name or Names of such Person or Persons respectively; and in case

he, she, or they shall thereupon, for the said Space of eight Days after such Delivery of a Copy of the Indictment or Information as aforesaid, neglect to cause an Appearance, and also a Plea or Demurrer to be entered in the said Court to such Indictment or Information, it shall be lawful for the Prosecutor of such Indictment or Information, upon an Affidavit being made and filed in the said Court, of a Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such Person or Persons, or to such Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information, for such Person or Persons respectively; and such Proceedings shall be had thereupon, as if the Defendant or Defendants in such Indictment or Information had appeared and pleaded Not Guilty, according to the usual Course of the said Court; and that if, upon the Trial of such Indictment or Information, the Defendant or Defendants so committed and detained as aforesaid, shall be acquitted of all the Offences therein charged upon him, her, or them, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be one of the Judges of the said Court of King's Bench, to order that such Defendant or Defendants shall be forthwith discharged by Defendant acquited may be discharged by the Judge trying the Offence out of Custody, as to his, her, or their Commitment as aforesaid; and such Defendant or Defendants shall be thereupon discharged accordingly.

XLII. And be it further enacted, That all Offences committed contrary to, or in Breach or Violation of this or any other Act hereafter to be passed, or of any Order or Orders of his Majesty, his Heirs or Successors, now or hereafter to be made in his or their Privy Council, concerning Quarantine, and the Prevention of Infection, and notified by Proclamation, or published in the *London Gazette*, or of any Order or Orders made by three or more of the Lords or others of the Privy Council as aforesaid, whether the said Offence shall be done and committed within the Body of any County or upon the High Seas or elsewhere, shall and may be tried, heard, and determined in any County within *England* or *Scotland*, or in the proper Courts of the Isles of *Gaernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, respectively.

[XLIII. General Issue.—Treble Costs.—Limitation of Actions, two Months.]

[XLIV. Commencement of Act; which may be altered or repealed this Session.]

No. 1.
45 George III.
c. 10.

No. 2.

46 George III. c. 98.—An Act for making additional and further Provisions for the effectual Performance of Quarantine in Great Britain.—[16th. July 1806.]

No. 2.

46 George III.
c. 98.

45 G. 3. c. 10.
§ 14.

Signal to be
used by Ships
having the
Plague, &c.,
actually on
board.

WHIEREAS by an Act passed in the forty-fifth Year of the Reign of his present Majesty, intituled, "An Act for making further Provision for the effectual Performance of Quarantine," certain Signals are directed to be used on board of Ships or Vessels having clean Bills of Health, and certain other Signals on board of Ships or Vessels not having clean Bills of Health; and it will be more conducive to the publick Safety that a third Signal should be used on board of Ships or Vessels having the Plague or other infectious Disease or Distemper highly dangerous to the Health of his Majesty's Subjects actually on board; be it therefore enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the tenth Day of October, one thousand eight hundred and six, every Commander, Master or other Person having the Charge of any Ship or Vessel, on board whereof the Plague or other infectious Disease or Distemper highly dangerous to the Health of his Majesty's Subjects, shall actually be, shall be, and is hereby required at all Times when such Ship or Vessel shall meet with any other Ship or Vessel at Sea, or shall be within four Leagues of the Coast of Great Britain, or the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a Signal to denote that his Ship or Vessel has the Plague, or other infectious Disease or Distemper highly dangerous to the Health of his Majesty's Subjects actually on board thereof, which Signal shall be in the Day Time a Flag of Yellow and Black, borne quarterly of eight Breadths of Bunting at the Main Top-mast Head, and in the Night Time the Signal shall be two large Signal Lanthorns (such as are commonly used on board of his Majesty's Ships of War) one over the other at the same Mast Head; and such Commander, Master, or other Person, shall keep such Signal hoisted during such Time as the said Ship or Vessel so having the Plague, or such other infectious Disease or Distemper as aforesaid, on board thereof, shall continue within Sight of such other Ship or Vessel, or within four Leagues of the said Coasts or Islands; and while so in Sight, or within such Distance until such Ship or Vessel so having the Plague, or such other infectious Disease or Distemper as aforesaid, on board thereof, shall have arrived at the Port or Place where it is to perform Quarantine, and until it shall have been legally discharged from the Performance thereof; on failure whereof such Commander, Master, or other Person, having Charge of such Ship or Vessel, shall forfeit and pay for every such Offence the Sum of two hundred Pounds.

II. ' And whereas it is by the said recited Act enacted, No. 2.
 that every Commander, Master, or other Person, having the Charge of any Ship or Vessel coming from foreign Parts, shall give to the Pilot who shall go on board such Ship or Vessel, a written Paper containing a true account of the required by Names of the Place and Country at which such Ship or Vessel shall have loaded; and also of all the Places at which any such Ship or Vessel shall have touched on the homeward Voyage: And whereas Ships and Vessels are or may be, by the Order of his Majesty, his Heirs or Successors, in Council, made liable to Quarantine, by reason of their having on board thereof certain Sorts of Goods and Merchandise more especially liable to retain Infection; and it is expedient that the Pilot going on board of such Ships and Vessels should also be informed of the Cargo thereof; be it therefore enacted, That, from and after the said tenth Day of October, every Commander, Master, or other Person, having the Charge of any Ship or Vessel coming from Foreign Parts, which shall not be liable to Quarantine in respect of the Place from whence such Ship or Vessel comes, shall give to the Pilot who shall go on board of such Ship or Vessel a written Paper containing a true Account of the different Articles composing the Cargo of such Ship or Vessel, on pain of forfeiting the Sum of two hundred Pounds for any Neglect or Refusal to give such Paper, or for any false Representation or wilful Omission therein; and if by any Proclamation or Order of his Majesty in Council then in force, Ships and Vessels having on board any of the Articles mentioned in such Paper, shall be liable to the Performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other Person having the Charge of such Ship or Vessel, on pain of forfeiting the Sum of one hundred Pounds for any Neglect therein; and such Commander or other Person shall thereupon hoist a proper Signal according to the Provisions of the said recited Act, and under the respective Penalties in the said recited Act, or in this Act contained for any Neglect or Refusal in respect of hoisting such Signals; and in case any Pilot shall bring, or cause to be brought or conducted, any Ship or Vessel liable to the Performance of Quarantine, into any Place which is not, or shall not be, specially appointed for the Reception of Ships and Vessels so liable, after receiving such Paper as aforesaid, whereby it shall have been made appear that such Ship or Vessel was liable to the Performance of Quarantine, or without requiring and receiving such Paper as aforesaid, unless compelled thereto by Stress of Weather, adverse Winds, or Accidents of the Seas, such Pilots shall for every such Offence forfeit and pay the Sum of one hundred Pounds.

III. ' And whereas, by the said recited Act, Provision is made for ascertaining whether Ships and Vessels be liable to Quarantine by means of interrogating the Commander, Master, or other Person having the Charge of such Ships or Vessels, for which Purpose it is necessary that Ships or Vessels shall give Notice to the Master if any Articles be on board liable to Quarantine. Penalty 100l. &c.

Pilot shall give Notice to the Master if any Articles be on board liable to Quarantine. Penalty 100l. &c.

Commander shall hoist Signals accordingly.

67². 'sels should be brought to at the Requisition of the Officer of
 .^{2d} III. 'Quarantine, which voluntary Provision has in some Instances
 .^{3d} 98. 'been and may again be eluded by the Pilot on board, or by
 'the Commander, Master, or other Person, having the Charge
 'of such Ships or Vessels; Be it therefore enacted, That if
 any Pilot being on board, or any Commander, Master, or
 other Person having the Charge of any Ship or Vessel coming
 from Foreign Parts, whether such Ship or Vessel shall be liable
 to Quarantine or not, shall be required by any Officer autho-
 rized by the Commissioners of the Customs, or any four of
 them, to act in the Service of Quarantine, to bring to such
 Ship or Vessel, to the End that the Commander, Master, or
 other Person having the Charge thereof may be interrogated
 according to the Provision of the said recited Act, and shall neg-
 lect or refuse to bring to such Ship or Vessel as soon as it can
 be done with Safety, in obedience to such Requisition, every
 such Pilot, Commander, Master, or other Person, having the
 Charge of any such Ship or Vessel, shall for every such Of-
 fense forfeit and pay the Sum of one hundred Pounds.

**Ships liable to
 Quarantine
 solely by in-
 voluntary Com-
 munication,
 exempt from
 Duty, under
 45 G. 3. c. 10.
 § 3.**

IV. 'And Whereas, by the said recited Act, certain
 Duties are imposed on Ships and Vessels which have per-
 formed Quarantine; and by the same Act a Ship or Vessel
 may be rendered liable to the Performance of Quarantine by
 receiving any Person or Persons from or out of any other
 Ship or Vessel coming from or having touched at an infected
 Place, under which Provision a Ship or Vessel not being
 originally liable to perform Quarantine may be rendered so
 liable by Force, and against the Will of the Master and Crew;
 and it is reasonable that such Ship or Vessel should be reliev-
 ed from the Payment of the said Duties; Be it therefore en-
 acted, That no Ship or Vessel which shall be rendered liable
 to perform Quarantine solely by reason of having received on
 board thereof, by Force or against the Will of the Master and
 Crew, any Person or Persons, shall be liable to or charged
 with any Duty under the said recited Act, provided that it shall
 appear to the Satisfaction of the Commissioners of the Cus-
 toms that such Person or Persons was or were received on
 board against the Will of the Master and Crew of such Ship or
 Vessel.

**Proof and Cer-
 tificate of Goods
 having been
 opened and
 aired; [instead
 of the Proof and
 Certificate
 required by
 45 G. 3. c. 10.
 § 29.]**

V. 'And whereas the Mode prescribed by the said re-
 cited Act for certifying that all Goods, Wares, and Merchan-
 dize, and other Articles, liable to Quarantine, have been
 duly opened and aired, conformably to the Provisions in the
 same, have been found inconvenient; Be it therefore enacted,
 That so much of the said recited Act as relates to the Certifi-
 cates and Proof of opening and airing such Goods, Wares,
 Merchandise, and other Articles, shall be, and is hereby re-
 pealed; and that after such Orders for the opening and airing
 of such Goods, Wares and Merchandise, and other Articles,
 shall have been duly complied with, Proof thereof shall be
 made by the Oaths of the Master of the Lazaret or Vessel in
 which the Goods, Wares, and Merchandise, and other Arti-

cles, shall have been opened and aired, and of one of the Guardians, or if there be no Guardian, then of one of the Officers authorized by the Commissioners of the Customs, or any four of them, to act in the Service of Quarantine in such Lazaret or Vessel, or if there be no such Officer, then by the Oaths of two or more credible Witnesses serving in the said Lazaret or Vessel, before the Superintendant of Quarantine, or his Assistant, in case such opening and airing shall be had at a Port or Place where such Superintendant or Assistant shall be established, or otherwise before the principal Officer authorized by the Commissioners of the Customs, or any four of them, to act in the Service of Quarantine at such Port or Place, which Oath such Superintendant, Assistant, or principal Officer is hereby authorized to administer; and such Superintendant, Assistant, or principal Officer, as the Case may be, shall make Certificate of such Proof having been made; and upon the Production of such Certificate to the proper Officer of the Customs, authorized by the said Commissioners or any four of them, such Goods, Wares, or Merchandise, and other Articles, shall be liable to no further Restraint or Detention either at the Port or Place where such Quarantine shall have been performed, or at any other Place whereto they may be afterwards conveyed.

VI. And be it further enacted, That it shall and may be Privy Council lawful for his Majesty, his Heirs and Successors, by his or coming from their Order in Council, or for the Lords and others of his or America or the their Privy Council, or any three or more of them, by their Order from Time to Time, as often as they may see Reason to apprehend that the Yellow Fever, or other highly infectious Disease prevails there, temper prevails on the Continent of *America*, or in the *West Indies*, to require that every Ship and Vessel coming from or being liable to having touched at any Port or Place on the Continent of *America*, or in the *West Indies*, shall come to an Anchor at certain Places to be appointed from Time to Time by the Commissioners of his Majesty's Customs in *England* and *Scotland*, (who are hereby respectively authorized to make such Appointment) for the Purpose of having the State of Health of the Crew of such Ship or Vessel ascertained before such Ship or Vessel shall be permitted to enter the Port whereto she may be bound, or any other Port of *Great Britain*; but that such Ship or Vessel shall not be deemed liable to Quarantine, unless it shall be afterwards specially ordered under that Restraint.

VII. And Whereas it may be necessary for the public Intercourse Security to prevent all Communication whatever with Ships or Vessels performing Quarantine without clean Bills of Health; and the Danger of such Communication is greatly increased by Persons not being prevented from going within the Stations allotted for the Performance of Quarantine by such Ships or Vessels; Be it therefore further enacted, That it shall and may be lawful to and for his Majesty, his Heirs or Successors, by his or their Order or Orders in Council, notified by Proclamation, or published in the *London Gazette*, to pro-

No. 2.
46 George III.
c. 98.

No. 2. ^{16 George III. c. 98.} hibit all Persons, Ships, Boats, and Vessels whatsoever, from going under any Pretence whatsoever, within the Limits of any Station, which, by his Majesty, his Heirs or Successors, by any such Order or Orders in Council, has been, or may be assigned for the Performance of Quarantine by any Ships or Vessels without clean Bills of Health; and that if any Person whatsoever after such Notification or Publication of any such Order or Orders in Council, shall presume under any Pretence whatsoever, to go with any Ship, Boat, or Vessel within the Limits of any such Station, he or she shall, for every such Offence, forfeit and pay the Sum of Five hundred Pounds.

Penalty 500L.
Penalty on
forging or utter-
ing false Certi-
ficates required
by Order in
Council, Felony
without Clergy.

VIII. And be it further enacted, That if any Person shall knowingly and wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of his Majesty, his Heirs or Successors in Council now in force, or hereafter to be made touching Quarantine, and the Prevention of Infection, or shall publish as true any such forged or counterfeited, interlined, erased, or altered Certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such Certificate, with Intent to obtain the Effect of a true Certificate to be given thereto, knowing the Contents of such Certificate to be false, he or she shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Consuls, &c.
may administer
Oaths.

IX. And be it further enacted, That the Consuls and Vice-Consuls of his Majesty, his Heirs and Successors, shall, and are hereby empowered to administer Oaths in all Cases respecting Quarantine, in like Manner as if they were Magistrates of the several Towns or Places where they respectively reside.

Persons autho-
rized to take
Examinations
may administer
Oaths; Penalty
of Perjury, &c.,
on false Oaths,
&c.

X. And be it further enacted, That in all Cases wherein by virtue and in pursuance of this Act, or any other now in force or hereafter to be made touching Quarantine, any Examinations or Answers shall be taken or made upon Oath, the Person who shall be authorized and required to take such Examinations and Answers shall, and shall be deemed to have full Power and Authority to administer such Oaths; and if any Person who shall be so interrogated or examined shall wilfully swear falsely to any Matter, concerning which such Person shall depose or make Oath on such Examination or in such Answer, or if any Person shall procure any other Person so to do, he or she so swearing falsely or procuring any other Person so to do, shall be deemed to have been guilty of, and shall be liable to be prosecuted for wilful and corrupt Perjury, or Subornation of wilful and corrupt Perjury, as the Case may be, and shall suffer the Pains, Penalties and Punishments of the Law, in such Case respectively made and provided.

PART V. CLASS XVI.

FELONY RELATING TO THE SLAVE TRADE.

No. 1.

51 George III. c. 23.—An Act for rendering more effectual an Act made in the forty-seventh Year of his Majesty's Reign, intituled, “ An Act for the Abolition of the Slave Trade.”—[14th. May 1811.]

WHEREAS the two Houses of Parliament did, by their Resolutions of the tenth and twenty-fourth Days of June one thousand eight hundred and six, severally resolve, That the African Slave Trade being contrary to the Principles of Justice, Humanity and sound policy, they would, with all practicable Expedition, take effectual Measures for the Abolition of the same: And whereas, in conformity with the said Resolutions, and for all and each of the Reasons therein stated, the said Trade was by an Act passed in the forty-seventh Year of his present Majesty, declared to be unlawful: And whereas it hath been found that divers Persons, not deterred by the Provisions and Penalties of the said Act, do still continue to deal and trade in Slaves upon the Coast of Africa and elsewhere, and to carry them for Sale by Sea: And whereas the Commons House of Parliament, by its Resolution of the fifteenth of June one thousand eight hundred and ten, did express its Indignation at such Practices, and did resolve speedily to take into Consideration such Measures as might tend effectually to prevent such daring Violations of the Law: And whereas it is fit that such Measures should be extended also to the effectual Abolition of the Slave Trade wheresoever it may be attempted to practise it: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Subject or Subjects of his Majesty, or if any Person or Persons residing or being within this United Kingdom, or in any of the Islands, gaged therein, Carrying on the Slave Trade, or any way en-

No. 1.
51 George III.
c. 23.

No. 1. Colonies, Dominions, Forts, Settlements, Factories or Territories now or hereafter belonging thereto, or being in his Majesty's Occupation or Possession, or under the Government of declared Felony: the United Company of Merchants trading to the *East Indies*, shall, from and after the first Day of *June* next, by him or themselves, or by his or their Factors or Agents, or otherwise howsoever, carry away or remove, or aid or assist in the carrying away or removing, as a Slave or Slaves, or for the Purpose of being sold, transferred, used or dealt with as a Slave or Slaves, any Person or Persons whatsoever, from any Part of *Africa*, or from any other Country, Territory or Place whatsoever, either immediately or by Transhipment at Sea or otherwise, directly or indirectly; or shall import or bring, or aid or assist in the importing or bringing into any Island, Colony, Country, Territory or Place whatsoever, any such Person or Persons as aforesaid, for the Purpose aforesaid; or shall knowingly and wilfully ship, embark, receive, detain or confine on board any Ship, Vessel or Boat, any such Person or Persons as aforesaid, for the Purpose of his, her or their being so carried away or removed, imported or brought as aforesaid, or of being sold, transferred, used or dealt with as a Slave or Slaves; or shall knowingly and wilfully use or employ, or permit to be used or employed, or let or take to Freight or on Hire any Ship or Vessel to be used or employed in carrying away or removing, importing or bringing, or for the Purpose of carrying away or removing, importing or bringing as aforesaid, any such Person or Persons, as a Slave or Slaves, or for the Purpose of his, her or their being sold, transferred, used or dealt with as a Slave or Slaves; or shall fit out or cause to be fitted out, or shall take the Charge or Command of, or navigate, or enter and embark on board any such Ship or Vessel, as Master or Captain, Mate, Supercargo or Surgeon, knowing that such Ship or Vessel is actually employed, or is, in the same Voyage for which he or they shall so enter and embark on board, intended to be employed in carrying or removing, importing or bringing as aforesaid any such Person or Persons, as or for the Purpose of his, her or their being sold, transferred, used or dealt with as a Slave or Slaves; then and in every such case, the Person or Persons so offending, and their Counsellors, Aiders and Abettors, shall be and are hereby declared to be Felons, and shall be transported beyond Seas for a Term not exceeding fourteen Years, or shall be confined and kept to hard Labour for a Term not exceeding five Years, nor less than three Years, at the Discretion of the Court before whom such Offender or Offenders shall be tried and convicted.

Punishment.

Serving on
board Ship, or
underwriting
Policy thereon.

II. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the first Day of *May* next, enter or navigate, or embark on board any such Ship or Vessel used and employed, or meant and intended to be used and employed as aforesaid, as a Petty Officer, Servant or Seaman, or Petty Officers, Servants or Seamen, knowing that such is or shall be the Purpose or one of

the Purposes of the Voyage, or if any Person or Persons shall underwrite, or procure to be underwritten, any Policy of Assurance upon any Ship or Vessel, or Goods, or the Freight of any Ship or Vessel employed or intended to be employed in any such Voyage, knowing that such is or shall be the Purpose or one of the Purposes of the said Voyage, he or they nevertheless shall not be deemed guilty of a Felony within the meaning of this Act, but shall be and they are hereby declared to be guilty of a Misdemeanor only, and shall be punished by Imprisonment for a Term not exceeding two Years.

No. 1.
George III.
c. 23.

III. And it is hereby further enacted and declared, That Accessories to Felony; any thing in this present Act to the contrary thereof notwithstanding.

IV. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to subject any Person or Persons to the Pains and Penalties hereby imposed for exporting, removing or carrying from any present or future British Island, Colony or Settlement in the *West Indies*, to any other present or future British Island, Colony or Settlement in the *West Indies*, or from one Part of such British Island, Colony or Settlement in the *West Indies*, to any other Part of the same Island, Colony or Settlement, or for importing or transporting into or landing in any such Island, Colony or Settlement, any Slave or Slaves, which have been or shall be born within such Islands, Colonies or Settlements, or any Slave or Slaves which shall have been or may be lawfully imported or brought into the said Islands, Colonies or Settlements, or for removing or carrying any Slave or Slaves from one Part of any foreign Island, Colony or Settlement, to another Part of the same foreign Island, Colony or Settlement, or for transhipping and assisting at Sea any Slave or Slaves which shall be in any Ship or Vessel in Distress: Provided also, that nothing in this Act contained shall extend to prevent the Transportation to any foreign Colony or Place, of any Slave or Slaves that shall have been convicted by due course of Law in any present or future British Island or Colony, of any Crime to which the Punishment of Transportation is or shall be annexed by the Law of such Island or Colony, but in every such case a Copy of the Judgment or Sentence certified by the Court before which the Offender was convicted, shall be put on board in the Ship or Vessel in which any such Convict shall be transported.

And for the
Transportation
to foreign
Places of Slaves
that have been
convicted of
Crimes.

V. Provided also, and be it further enacted, That nothing hereinbefore contained shall extend, or be construed to extend, to subject any Person or Persons to the Pains and Penalties hereby imposed for any thing done or to be done in *Africa*, *West of the Cape of Good Hope*, or in the *West Indies* or *America* to the East of *Cape Horn*, on or before the First Day of September next; nor for any thing done or to be done in the *East Indies*, the Island of *Madagascar*, the Ports and Places

Proviso for
Things done
before certain
Periods.

No. 1. of Africa to the East of the *Cape of Good Hope*, the Islands of *Mauritius* and *Bourbon*, and the Islands in the *East Indian Seas*, on or before the first Day of *January* next; nor for any thing done or to be done in *New Holland*, the Islands in the *South Seas*, or the Coast of *America* to the West of *Cape Horn*, on or before the first Day of *May*, in the Year One thousand eight hundred and twelve; nor for any thing done or to be done in the High Seas, on board of any Ship or Vessel which hath or shall have sailed last from any Port in *Great Britain* or *Ireland* on or before the first Day of *June* next, or from any other Port or Place in *Europe*, on or before the first Day of *July* next; or from any Port or Place in *Africa* West of the *Cape of Good Hope*, or the *West Indies*, or *America* to the East of *Cape Horn*, on or before the first Day of *August* next; or from any Port or Place in the *East Indies*, *Madagascar*, the Islands of *Mauritius* and *Bourbon*, the Coast of *Africa* to the East of the *Cape of Good Hope*, and the Islands in the *East Indian Seas*, on or before the first Day of *January* next; or from any Port or Place in *New Holland*, the Islands in the *South Seas*, or the Coast of *America* to the West of *Cape Horn*, on or before the first Day of *May* in the Year one thousand eight hundred and twelve.

**How Offences
to be tried.**

28 H. 8. c. 15.

33 H. 8. c. 23.

xi & 12 W. 3.
c. 7.

Former Acts in
respect of For-
feitures.

46 G. 3. c. 52.

47 G. 3. sess. 1.
c. 36.

VI. And be it further enacted and declared, That all Offences hereinbefore declared to be Felonies or Misdemeanors, which shall be committed in *Africa*, or in any Country, Territory or Place, other than this United Kingdom, or on the High Seas, or in any Port, Sea, Creek, or Place, where the Admiral has Jurisdiction, shall and may be enquired of either according to the ordinary Course of Law, and the Provisions of an Act passed in the twenty-eighth Year of the Reign of King *Henry the Eighth*, intituled, "An Act for Pirates," or according to the Provisions of an Act passed in the thirty-third Year of the Reign of King *Henry the Eighth*, intituled, "An Act to proceed, by Commission of *Oyer and Terminer*, against such Persons as shall confess Treason and Felony, without remanding the same to be tried in the Shire where the Offence was committed," so far as the same Act is now unrepealed; or according to the Provisions of an Act passed in the eleventh and twelfth Years of the Reign of his late Majesty King *William the Third*, intituled, "An Act passed for the more effectual Suppression of Piracy."

VII. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall be construed to repeal, annul or alter the said Act of the forty-seventh Year of his present Majesty, or an Act made in the forty-sixth Year of his present Majesty, for preventing the Importation of Slaves by any of his Majesty's Subjects, into any Islands, Colonies, Plantations or Territories belonging to any Foreign State or Power, in respect of any Forfeitures of Ships or Vessels, Cargoes, Goods or Effects, thereby respectively imposed for any Offence against the said Acts, or either of them, or the Remedies thereby given for the Recovery thereof, or in respect of

any pecuniary Penalties thereby imposed; but that the said Acts shall, in all other Respects, be deemed and taken to be in full Force, except so far as the said Act of the forty-sixth Year of his present Majesty is altered or extended by the said Act of the forty-seventh Year of his said Majesty.

VIII. And whereas it is in and by the said Acts respectively enacted, that all Ships or Vessels, Slaves or Natives of Africa, carried, conveyed or dealt with as Slaves, and all other Goods and Effects that shall or may become forfeited for any Offence committed against the said Acts respectively, shall and may be seized by any Officer of his Majesty's Customs or Excise, or by the Commanders or Officers of any of his Majesty's Ships or Vessels of War: And whereas Ships and Vessels, Slaves, Goods and Effects, liable to Seizure and Forfeiture under the said Acts, for Offences committed on the Coast of Africa, may be safely navigated, carried or kept upon or near to the said Coast, or in the Ports, Havens or Rivers thereof, in contempt of the said Acts, by reason of the want of Officers of the Customs or Excise, or of his Majesty's Ships or Vessels of War stationed on the said Coast, or on such Parts thereof as may be visited by such Offenders; Be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful for all Governors or Persons having the chief Command, Civil or Military, of any of the Colonies, Settlements, Forts or Factories belonging to his Majesty; or to the African Company in Africa, or any African Island, and for all Persons deputed and authorized by any such Governor or Commander in Chief, to seize and prosecute all Ships and Vessels, Slaves or Natives of Africa, carried, conveyed or dealt with as Slaves, and all Goods and Effects whatsoever, that shall or may become forfeited for any Offence committed against the said Acts of Parliament, or either of them, and which shall be found upon, or near to, the said Coast, or in any Port, Haven or River thereof, or within the Limits of any of the said Colonies, Settlements, Forts or Factories, which Governor or Commander in Chief, and all Persons by them so deputed and authorized, shall, in making and prosecuting any such Seizures, have the Benefit of all the Provisions made by the said Acts of Parliament, or by an Act of the fourth Year of his present Majesty therein recited, or by any other Act of Parliament for the Protection of Officers seizing and prosecuting for any Offence against the said last mentioned Act, or any other Act of Parliament relating to the Trade and Revenues of the British Colonies or Plantations in America.

IX. Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons, being in the Capacity of a Petty Officer, or Petty Officers, Servant or Servants, Seaman or Seamen, on board of any Ship or Vessel fitted out for or engaged in the unlawfully carrying, removing, trading or dealing in Slaves, shall, within three Months after the Arrival of the said Vessel at any Port belong-

No. 1.
George III.
c. 25.
18.
47 G. 3. sess. 1.
c. 36. § 14.

18.
47 G. 3. c. 15.

No. 1.
51 George III
c. 23.

ing to his Majesty, give Information on Oath, before any competent Magistrate, against any Owner or Part Owner, or any Captain, Mate, Surgeon or Supercargo of such Ship or Vessel, who shall have committed any Offence against this Act, and shall give Evidence on Oath against such Owner or Part Owner, Captain, Mate, Surgeon and Supercargo, before any Magistrate or Court before whom such Offender may be tried; or if such Person or Persons so sailing as aforesaid, in the Capacity of a Petty Officer or Petty Officers, Mariner or Mariners, Servant or Servants, shall, within three Months after his or their Arrival at any Port or Place not within his Majesty's Dominions, give Information to any of his Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires, Consuls, Residents or other Agents, so that any Person or Persons owning such Ship or Vessel, or navigating or taking charge of the same, as Captain, Mate, Surgeon or Supercargo, may be apprehended, such Person or Persons so giving such Information and Evidence, shall not be liable to any of the Pains or Penalties of this Act, or any Fine or other Punishment under the said Acts of the forty-sixth and forty-seven G. 3. c. 52. seventh Years of his present Majesty, or either of them; but 47 G. 3. sess. 1. c. 36. shall be wholly discharged therefrom, and his Majesty's Ambassadors, Ministers Plenipotentiary, Envoys, Charges d'Affaires; Consuls, Residents or other Agents, are hereby required to receive any such Information as aforesaid, and to transmit the Particulars thereof, without Delay, to one of his Majesty's Principal Secretaries of State, and to transmit Copies of the same to the Commanders of his Majesty's Ships or Vessels then being in the said Port or Place.

PART V. CLASS XVII.

ESCAPES AND RESCUE.

No. 1.

1 Edward II. st. 2.—In what Case it is Felony to break Prison, in what not.

Cotton MS. *Claudius*, D. 2.

DE prisonibus prisonam
frangentibus dominus
Rex vult & precepit quod
nullus de cetero qui prisonam
fregerit subeat judicium vite
et membrorum pro fractione
prisone tantum nisi causa pro
qua captus et imprisonatus
fuerit tale judicium requereret
si de illa juxta legem et consuetudinem terre fuisse con-
victus licet temporibus preteri-
tis aliter fieri consuevit.

CONCERNING Prisoners which break Prison,
our Lord the King willeth
and commandeth, That none
from henceforth that breaketh
Prison shall have Judgment
of Life or Member for break-
ing of Prison only, except
the Cause for which he was
taken and imprisoned did
require such Judgement, if
he had been convict there-
upon according to the Law
and Custom of the Realm,
albeit in Times past it hath
been used otherwise.

No. 1.
1 Edward II.

No. 2.

16 George II. c. 31.—An Act for the further Punishment of Persons who shall aid or assist Prisoners to attempt to escape out of lawful Custody.

FOR the further Punishment of Persons who shall aid or assist Prisoners to attempt to escape out of lawful Custody, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, sooner to escape,

No. 2.
16 George II.
c. 31.

Where a Person

No. 2. and by the Authority of the same, That if any Person shall, from and after the twenty-fourth Day of June one thousand seven hundred and forty-three, by any Means whatsoever be aiding or assisting to any Prisoner to attempt to make his or her Escape from any Gaol, although no Escape be actually made, in case such Prisoner then was attainted or convicted of Treason, or any Felony, except Petty Larceny, or lawfully committed to or detained in any Gaol for Treason, or any Felony, except Petty Larceny, expressed in the Warrant of Commitment or Detainer, every Person so offending, and being thereof lawfully convicted, shall be deemed and adjudged guilty of Felony, and shall be transported to one of his Majesty's Colonies or Plantations in America, for the Term of seven Years; and in case such Prisoner then was convicted of, committed to, or detained in any Gaol for Petty Larceny, or any other Crime, not being Treason or Felony, expressed in the Warrant of his or her Commitment or Detainer as aforesaid, or then was in Gaol upon any Process whatsoever, for any Debt, Damages, Costs, Sums or Sums of Money, amounting in the whole to the Sum of one hundred Pounds, every Person so offending as aforesaid, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of a Misdemeanor, for which he or she shall be liable to a Fine and Imprisonment.

Attest: 2, June
1, 1743, my Person conveying any Disguise, Instrument, or Arms, to help an Escape, without the Knowledge of the Keeper, if the Prisoner be attainted of Treason or Felony, or committed for Treason or Felony;

the Offender shall be deemed guilty of Felony, and be transported.

Disguise, Instruments, or Arms, given to one detained for any less Crime, or for Debt, Damages, &c., amounting to

11. And be it further enacted by the Authority aforesaid, That if any Person shall, from and after the said twenty-fourth Day of June one thousand seven hundred and forty-three, convey, or cause to be conveyed into any Gaol or Prison, any Vizor, or other Disguise, or any Instrument or Arms proper to facilitate the Escape of Prisoners; and the same shall deliver, or cause to be delivered to any Prisoner in any such Gaol, or to any other Person there, for the Use of any such Prisoner, without the Consent or Privy of the Keeper, or Under-keeper of any such Gaol or Prison; every such Person, although no Escape or Attempt to escape be actually made, shall be deemed to have delivered such Vizor, or other Disguise, Instrument, or Arms, with an Intent to aid and assist such Prisoner to escape or attempt to escape; and in case such Prisoner then was attainted or convicted of Treason, or any Felony, except Petty Larceny, or lawfully committed to, or detained in any such Gaol for Treason, or any Felony, except Petty Larceny, expressed in the Warrant of Commitment or Detainer, every Person so offending, and being thereof lawfully convicted, shall in like Manner be deemed and adjudged guilty of Felony, and shall be transported to one of his Majesty's Colonies or Plantations in America, for the Term of seven Years; but in case the Prisoner to whom, or for whose Use, such Vizor or Disguise, Instrument or Arms, shall be so delivered, then was convicted, committed, or detained for Petty Larceny, or any other Crime, not being Treason or Felony, expressed in the Warrant of Commitment or Detainer, or upon any Process whatsoever, for any Debt, Damages,

Costs, Sum or Sums of Money, amounting in the whole to the Sum of one hundred Pounds, every such Person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of a Misdemeanor, for which he or she shall be in like Manner liable to a Fine and Imprisonment.

No. 2.
16 George II.
c. 32.

tool, the Offender shall be deemed guilty of a Misde-
meanor.

III. And be it further enacted by the Authority aforesaid, That if any Person shall, from and after the twenty-fourth day of June one thousand seven hundred and forty-three, aid or assist any Prisoner to attempt to make his or her Escape from the Custody of any Constable, Headborough, Tything-man, or other Officer or Person who shall then have the lawful Charge of such Prisoner, in order to carry him or her to Gaol, by virtue of a Warrant of Commitment for Treason, or any Felony (except Petty Larceny) expressed in such Warrant; or if any Person shall be aiding or assisting to any Felon to attempt to make his Escape from on Board any Boat, Boat, &c., or Ship, or Vessel, carrying Felons for Transportation, or from the Contractor for the Transportation of such Felons, Assigns or Agents, or any other Person to whom such Felon shall have been lawfully delivered, in order for Transportation; then every Person so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of Felony, and shall be transported to one of his Majesty's Colonies or Plantations in America, for the Term of seven Years.

IV. Provided always, and be it enacted, That there shall be no Prosecution for any of the said Offences, unless such Prosecution be commenced within one Year after such Offence committed.

V. And be it further enacted by the Authority aforesaid, That if any Person who shall be ordered for Transportation, in pursuance of this Act, shall return from Transportation, or be at large in any Part of Great Britain, without some lawful Cause, before the Expiration of the Term for which he or she shall have been ordered to be transported, every such Person shall be liable to the same Punishment, and to the like Methods of Prosecution, Trial, and Conviction, for returning from such Transportation, or for being at large in any Part of Great Britain, as other Felons transported, or ordered to be transported, are liable unto by Virtue of the Laws now in Force.

To assist any Person to escape from a Constable, being charged with Treason or Felony;

the Offender shall be deemed guilty of Felony, and shall be transported for seven Years.

Persons ordered for Transportation, and found at large before the Expiration of the Term, how to be dealt with.

PART V. CLASS XVIII.

PERJURY.

No. 1.

Elizabeth, c. 9.—An Act for Punishment of such as shall procure or commit any wilful Perjury.*

No. 1.
5 Elizabeth,
c. 9.
What Punish-
ment shall be
inflicted upon
Persons who
commit wilful
Perjury.

32 H. 8. c. 9.

WHENCE in the Parliament holden at *Westminster* in the two and thirtieth Year of the Reign of the late King of famous Memory, King *Henry the Eighth*, amongst other Things, it was ordained, enacted and established, That no Person or Persons of what Estate, Degree or Condition soever he or they were, should from thenceforth unlawfully suborn any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister Labour or Means, for to maintain any Matter or Cause, or to the Disturbance or Hindrance of Justice, or to the Procurement or Occasion of any Manner of Perjury, by false Verdict or otherwise, in any of the King's Courts of Chancery, the Star-Chamber, the *Whitehall*, or elsewhere within any of the King's Dominions of *England* or *Wales*, or the Marches of the same, where any Person or Persons have or from thenceforth should have Authority by Virtue of the King's Commission, Patent or Writ, to hold Plea of Land, or to examine, hear and determine any Title of Lands, or any Matter or Witnesses concerning the Title, Right or Interest of any Lands, Tenements or Hereditaments, upon Pain of Forfeiture for every such Offence, ten Pound, the one Moiety thereof to be to the King, and the other to the Party that would sue for the same, as by the same Statute, amongst divers other Things, more plainly it doth appear :

II. Sithence the Making whereof, for that the said Penalty is so small towards the Offenders in that Behalf, the said Offence of Subornation, and sinister Procurement of false Witnesses, hath nevertheless greatly increased and augmented, and by Reason of the wilful Perjury committed by the

* For the Exposition of this Act, see Hawk. P. C. B. 1. ch. 69. In consequence of the Difficulties attending Prosecutions on this Statute, they have fallen entirely into Disuse.

' same suborned Witnesses, divers and sundry of the Queen's
 ' Majesty's Subjects have sustained Disherson and great Im-
 ' poverishement, as well of their Lands and Tenements, as also
 ' of their Goods and Chattels :'

No. 1.
 5 Elizabeth,
 c. 9.

III. Be it therefore enacted by our Sovereign Lady the Queen, by the Assent of the Lords Spiritual and Temporal, procuring of and the Commons, in this present Parliament assembled, and by the Authority of the same, That all and every such Person and Persons, which at any Time after the tenth Day of April next coming shall unlawfully and corruptly procure any Witness or Witnesses by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint or Information, in any wise touching or concerning any Lands, Tenements or Hereditaments, or any Goods, Chattels, Debts or Damages, in any of the Courts before mentioned, or in any of the Queen's Majesty's Courts of Record, or in any Leet, View of Frankpledge or Law-day, antient demean Court, Hundred Court, Court Baron, or in the Court or Courts of the Stannery in the Counties of Devon and Cornwall: or shall likewise unlawfully and corruptly procure or suborn any Witness or Witnesses, which shall from and after the said tenth Day of April be sworn to testify *in perpetuum rei memoriam*; The Penalty en-
 that then every such Offender or Offenders shall for his, heirs ^{larged by 2 C.}
 or their said Offence, being thereof lawfully convicted or attainted, lose and forfeit the Sum of forty Pounds.

IV. And if it happen any such Offender or Offenders, so being convicted or attainted as aforesaid, not to have any Goods or Chattels, Lands or Tenements, to the Value of forty Pounds, that then every such Person so being convicted or attainted of any the Offences aforesaid, shall for his or their said Offence suffer Imprisonment by the Space of one half Year, without Bail or Mainprise, and to stand upon the Pillory the Space of one whole Hour, in some Market-Town next adjoining to the Place where the Offence was committed, in open Market there, or in the Market-Town itself where the Offence was committed.

V. And that no Person or Persons being so convicted or attainted, to be from thenceforth received as a Witness to be deposed and sworn in any Court of Record within any of the Queen's Highness Dominions of England, Wales, or the Marches of the same, until such Time as the Judgment given against the said Person or Persons shall be reversed by Attaint or otherwise; and that upon every such Reversal, the Parties grieved to recover his or their Damages against all and every such Person and Persons as did procure the said Judgment so reversed to be first given against them or any of them, by Action or Actions to be sued upon his or their Case or Cases, according to the Course of the Common Laws of this Realm.

No. I.
5 Elizabeth,
c. 9.
The Penalty of
him that doth
commit wilful
Perjury.

VI. And be it further enacted by the Authority aforesaid, That if any Person or Persons after the said tenth Day of April next coming, either by the Subornation, unlawful Procurement, sinister Persuasion or Means of any others, or by their own Act, Consent or Agreement, wilfully and corruptly commit any Manner of wilful Perjury, by his or their Deposition in any of the Courts before mentioned, or being examined *ad perpetuum reu memoriam*, that then every Person or Persons so offending, and being thereof duly convict or attainted by the Laws of this Realm, shall for his or their said Offence lose and forfeit twenty Pounds, and to have Imprisonment by the Space of six Months without Bail or Mainprise; and the Oath of such Person or Persons so offending, from thenceforth not to be received in any Court of Record within this Realm of *England or Wales*, or the Marches of the same, until such Time as the Judgment given against the said Person or Persons shall be reversed by Attaint or otherwise: And that upon evety such Reversal the Parties grieved to recover his or their Damages against all and every such Person and Persons as did procure the said Judgment so reversed to be given against them, or any of them, by Action or Actions to be sued upon his or their Case or Cases, according to the Course of the Common Laws of this Realm.

VII. And if it happen the said Offender or Offenders so offending, not to have any Goods or Chattels to the Value of twenty Pounds; that then he or they to be set on the Pillory in some Market-place within the Shire, City or Borough, where the said Offence shall be committed, by the Sheriff or his Ministers, if it shall fortune to be without any City or Town Corporate; and if it happen to be within any such City or Town Corporate, then by the said Head Officer or Officers of such City or Town Corporate, or by his or their Ministers, and there to have both his Ears nailed, and from thenceforth to be discredited and disabled for ever to be sworn in any of the Courts of Record aforesaid, until such Time as the Judgment shall be reversed, and thereupon to recover his Damages in Manner and Form before-mentioned.

Who shall have
the Forfeitures,
and by what
Means.

VIII. The one Moiety of all which Sums of Money, Goods and Chattels, to be forfeited in Manner and Form aforesaid, to be to the Queen our Sovereign Lady, her Heirs and Successors, and the other Moiety to such Person or Persons as shall be grieved, hindred or molested by reason of any the Offence or Offences before mentioned, that will sue for the same by Action of Debt, Bill, Plaintiff, Information or otherwise, in any of the Queen's Majesty's Courts of Record, in the which no Wager of Law, Essoin, Protection or Injunction to be allowed.

Who shall have
Authority to
hear and deter-
mine the Offen-
ces aforesaid.

IX. And be it also enacted by the Authority aforesaid, That as well the Judge and Judges of every such of the said Courts where any such Suit is or shall be, and whereupon any such Perjury is or shall happen to be committed, as also the Justices of Assize and Gaol-delivery in their several Circuits,

and the Justices of the Peace in every County within this Realm or in *Wales*, at their Quarter-Sessions, both within the Liberties and without, shall have full Power and Authority by Virtue hereof to inquire of all and every the Defaults and Offences perpetrated, committed or done contrary to this Act, by Inquisition, Presentment, Bill or Information before them exhibited, or otherwise lawfully to hear and determine the same, and thereupon to give Judgment, award Process and Execution of the same, according to the Course of the Laws of this Realm.

X. And be it further enacted by the Authority aforesaid, This Statute That the Justices of Assize of every Circuit within this Realm, shall be pro- and elsewhere within the Queen's Dominions, shall in every claimed at all County within their Circuits, twice in the Year, that is to say, in the Time of their Sittings, make open Proclamation of this Statute or of the Effect thereof, to the Intent no Person or Persons shall be ignorant or miscognisant of the Penalties herein contained.

XI. Provided also, That this Act, nor any Thing therein contained, shall not extend to any Spiritual or Ecclesiastical Court or Courts within this Realm of *England* or *Wales*, or the Marches of the same; but that all and every such Offender or Offenders as shall offend in Form aforesaid, shall and may be punished by such usual and ordinary Laws, as heretofore hath been and yet is used and frequented in the said Ecclesiastical Courts; any Thing in this present Act contained to the contrary in any wise notwithstanding.

XII. Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons, upon whom upon Witnesses any Process out of any of the Courts of Record within this Realm or *Wales* shall be served to testify or depose concerning any Cause or Matter depending in any of the same Courts, and having tended unto him or them, according to his or their Countenance or Calling, such reasonable Sums of Money for his or their Costs and Charges, as having Regard to the Distance of the Places is necessary to be allowed in that Behalf, do not appear according to the Tenor of the said Process, having not a lawful and reasonable Let or Impediment to the contrary; that then the Party making Default, to lose and forfeit for every such Offence ten Pounds, and to yield such further Recompence to the Party grieved, as by the Discretion of the Judge of the Court, out of which the said Process shall be awarded, according to the Loss and Hindrance that the Party which procured the said Process shall sustain, by reason of the Non-appearance of the said Witness or Witnesses; the said several Sums to be recovered by the Party so grieved against the Offender or Offenders, by Action of Debt, Bill, Plaintiff or Information, in any of the Queen's Majesty's Courts of Record, in which no Wager of Law, Essoin or Protection to be allowed.

XIII. Provided always, That this Act, or any Thing therein contained, shall not extend in any wise to restrain the Author to punish Per-

No. 1.
5 Elizabeth,
c. 9.

No. 1. Power and Authority given by Act of Parliament made in the
 5 Elizabeth, Time of King Henry the Seventh, to the Lord Chancellor of
 c. 9. England, and others of the King's Council for the Time being,
 jury, given by to examine and punish Riots, Routs, heinous Perjuries and
 the Statute of other Offences and Misdemeanors; which Lord Chancellor
 11 H. 7. c. 25. and other sithence the Making of the said Act have most
 commonly used to hear and determine such Matters in the
 Court of Westminster commonly called the Star Chamber; nor
 to restrain the Power or Authority of the Lord President and
 Council in the Marches of Wales, or of the Lord President
 and Council in the North, nor of any other Judge, having
 absolute Power to punish Perjury before the making of this
 Statute; but that they and every of them shall and may pro-
 ceed in the Punishment of all Offences heretofore punishable,
 in such wise as they might have done and used to do before
 the making of this Act, to all Purposes, so that they set not
 upon the Offender or Offenders less Punishment than is con-
 tained in this Act. This Act to continue unto the End of the
 next Parliament. 5 Coke 99. made perpetual by 29 El. c. 5.
 and 21 Jac. 1. c. 28. sect. 8.

No. 2.

D. 2 George II. c. 25.—An Act for the more effectual preventing
 and further Punishment of Forgery, Perjury, and Suborna-
 tion of Perjury; and to make it Felony to steal Bonds,
 Notes or other Securities for Payment of Money.

No. 2. II. AND the more effectually to deter Persons from commit-
 2 George II. ting wilful and corrupt Perjury, or Subornation of
 c. 25. Perjury, be it further enacted by the Authority aforesaid, That
 great Crimes, it shall and may be lawful for the Court or
 Judge, before whom any Person shall be convicted of wilful
 and corrupt Perjury or Subornation of Perjury, according to
 the Laws now in being, to order such Person to be sent to
 some House of Correction within the same County for a Time
 not exceeding seven Years, there to be kept to hard Labour
 during all the said Time, or otherwise to be transported to
 some of his Majesty's Plantations beyond the Seas, for a Term
 not exceeding seven Years, as the Court shall think most pro-
 per; and thereupon Judgment shall be given that the Person
 convicted shall be committed or transported accordingly, over
 and beside such Punishment as shall be adjudged to be in-
 flicted on such Person agreeable to the Laws now in being;
 and if Transportation be directed, the same shall be executed
 in such Manner as is or shall be provided by Law for the
 Transportation of Felons; and if any Person so committed or

* For the other Parts of the Act, see Cl. VII. No. 26. Cl. XII. No. 5.

transported shall voluntarily escape or break prison, or return from Transportation before the Expiration of the Time for which he shall be ordered to be transported as aforesaid, such Person, being thereof lawfully convicted, shall suffer Death as a Felon, without Benefit of Clergy, and shall be tried for such Felony in the County where he so escaped, or where he shall be apprehended.

No. 2.
2 George II.
c. 25.

No. 3.

22 George II. c. 11.—An Act to render Prosecutions for Perjury and Subornation of Perjury, more easy and effectual.*

WHEREAS by reason of Difficulties attending Prosecutions for Perjury and Subornation of Perjury, those heinous Crimes have frequently gone unpunished, whereby wicked and evil-disposed Persons are daily more and more emboldened to commit the same, to the great Dishonour of God, and manifest Let and Hindrance of Justice; For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Information or Indictment to be prosecuted against any Person for wilful and corrupt Perjury, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, and by what Court, or before whom the Oath was taken (averring such Court, or Person or Persons, to have competent Authority to administer the same) together with the proper Averment or Averments to falsify the Matter or Matters wherein the Perjury or Perjuries is or are assigned; without setting forth the Bill, Answer, Information, Indictment, Declaration, or any Part of any Record or Proceeding either in Law or Equity, other than as aforesaid; and without setting forth the Commission or Authority of the Court, or Person or Persons before whom the Perjury was committed; any Law, Usage, or Custom to the contrary notwithstanding.

II. And be it further enacted by the Authority aforesaid, That in every Information or Indictment for Subornation of Perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt Perjury, it shall be sufficient to set forth the Substance of the Offence charged upon the Defendant, without setting forth the Bill, Answer, Information, Indictment, Declaration, or any Part of any Record or Proceeding either in Law or Equity, and without setting forth the Commission or Authority of the Court, or Person or Persons before whom the Perjury was committed, or was agreed or promised to be committed; any Law, Usage, or Custom to the contrary notwithstanding.

No. 3.
23 George II.
c. 11.
What shall be
sufficient in In-
dictments of
Perjury.

* See *Rex v. Dowling*, 5 T. R. 812.

No. 3.
23 George II. c. 11.
Justices of Assize, &c. may direct Prosecutions against Persons examined before them, being guilty of Perjury,

and assign the Prosecutor Council. The Prosecution to be carried on without Fees.

The Clerk of Assize to give the Prosecutor a Certificate.

III. And the better to prevent great Offenders from escaping Punishment by reason of the Expence attending such Prosecutions; Be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of his Majesty's Justices of Assize or *Nisi Prius*, or General Gaol Delivery, or of any of the Great Sessions of the Principality of Wales, or of the Counties Palatine; and they are hereby authorized (sitting the Court, or within twenty-four Hours after) to direct any Person examined as a Witness upon any Trial before him or them, to be prosecuted for the said Offence of Perjury, in case there shall appear to him or them a reasonable Cause for such Prosecution, and that it shall appear to him or them proper so to do; and to assign the Party injured, or other Person undertaking such Prosecution, Counsel, who shall and are hereby required to do their Duty without any Fee, Gratuity, or Reward for the same: And every such Prosecution, so directed as aforesaid, shall be carried on without Payment of any Tax or Duty, and without Payment of any Fees in Court, or to any Officer of the Court, who might otherwise claim or demand the same: And the Clerk of the Assize, or his Associate or Prothonotary, or other proper Officer of the Court (who shall be attending when such Prosecution is directed), shall and is hereby required, without any Fee or Reward, to give the Party injured, or other Person undertaking such Prosecution, a Certificate of the same being directed, together with the Names of the Council assigned him by the Court; which Certificate shall in all Cases be deemed sufficient Proof of such Prosecution having been directed as aforesaid, provided that no such Direction or Certificate shall be given in Evidence upon any Trial to be had against any Person upon a Prosecution so directed as aforesaid.

PART V. CLASS XIX.

SEDUCING ARTIFICERS AND EXPORTING UTENSILS.

No. 1.

5 George I. c. 27.—An Act to prevent the Inconveniences arising from seducing Artificers in the Manufactures of *Great Britain* into foreign Parts.

I. WHEREAS divers ill-disposed Persons, as well Foreigners, as Subjects of this Kingdom by Confederacy with Foreigners, have of late drawn away and transported, and have also made divers Attempts to entice, draw away and transport several Artificers and Manufacturers of and in Wool, Iron, Steel, Brass and other Metals, Clock-makers, Watch-makers and divers other Manufacturers of *Great Britain*, out of his Majesty's Dominions into foreign Countries, by entering into Contracts with them to give them greater Wages and Advantages than they have or can reasonably expect within this Kingdom, and by making them large Promises and using other Arts to inveigle and draw them away: And whereas there is great Danger that, by means of these and such like Practices, many great and profitable Branches of the Trades and Manufactures of this Kingdom may be transplanted into foreign Countries: Therefore for the preventing the like Practices for the future, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at any Time hereafter any Person or Persons shall contract with, entice, endeavour to perswade, or solicit any Manufacturer or Artificer of or in Wool, Iron, Steel, Brass or any other Metal, Clock-maker, any Artificer to Watch-maker or any other Artificer or Manufacturer of *Great Britain*, to go out of this Kingdom into any foreign Country beyond the seas, or out of his Majesty's Dominions, and shall be lawfully convicted thereof upon any Indictment or Information which shall be preferred or brought against him or them in any of his Majesty's Courts at Westminster, or at the Assizes or general Sessions, he shall be fined not exceeding £100, and be imprisoned for three Months, and be gilty of contumacy, and be sent to the Tower of London, and be there confined during the pleasure of the Queen.

No. 1.
5 George I.
c. 27.

No. 1.
5 George I.
c. 27.

Goal-delivery, or Quarter-sessions of the Peace for the County, Riding or Division where such Offence shall be committed, the Person and Persons so convict shall be fined any Sum not exceeding one hundred Pounds for such first Offence,(1) according to the Discretion of the Court in which such Conviction shall be, and shall be imprisoned for the Space of three Months, and until such Fine shall be paid; and if any Person or Persons, having been once convict as aforesaid, shall offend again, and be so convict a second Time of the like Offence, then and in such Case the Person, so convict a second Time shall be fined at the Discretion of the Court here such Conviction shall be and be imprisoned for twelve Months and until such Fine shall be paid . (2.)

And for the second Offence shall be fined discretionally and imprisoned for twelve Months.

Prosecution in twelve Months after the Offence.

After May 1, 1719, any Artificer going into a foreign Country, there to exercise his Trade, and not returning in six Months after Warning given him by the Ambassador, &c. shall be incapable of taking any Legacy, &c.

Forfeit all his Lands, &c. and be deemed an Alien.

II. Provided nevertheless, That no Person or Persons shall be prosecuted for any of the Offences aforesaid, unless such Prosecution shall be begun within the Space of twelve Months next after such Offence shall be committed.

III. And be it further enacted by the Authority aforesaid, That if any of his Majesty's Subjects within this Kingdom, being such Artificer or Manufacturer as aforesaid, shall, at any Time after the first Day of May in the Year of our Lord one thousand seven hundred and nineteen, go into any Country out of his Majesty's Dominions, there to use or exercise, or to teach any of the said Trades or Manufactures to Foreigners, or in case any of his Majesty's Subjects now being, or who hereafter shall be in any such Foreign Country out of his Majesty's Dominions as aforesaid, and there using or exercising any of the said Trades or Manufactures herein before-mentioned, shall not return into this Realm within six Months next after Warning shall be given to him by the Ambassador, Envoy, Resident, Minister or Consul of the Crown of Great Britain in the Country in which such Artificer shall be, or by any Person authorized by such Ambassador, Envoy, Resident, Minister or Consul, or by one of his Majesty's Secretaries of State for the Time being, and from thenceforth continually inhabit and dwell within this Realm; then and in such Case every such Person or Persons shall be from thenceforth incapable of taking any Legacy that shall be devised to him within this Kingdom, or of being an Executor or Administrator to any Person or Persons within this Kingdom, and shall be incapable of taking any Lands, Tenements or Hereditaments within this Kingdom, by Descent, Devise or Purchase, and also forfeit all his Lands, Tenements, Hereditaments, Goods and Chattels within this Kingdom, to his Majesty's Use, and

(1.) R. that only one Penalty was incurred by seducing four Artificers, there being only one Information; R. v. Medcalf, cited 4 Bur. 2026.

(2.) The Stat. 23 Geo. II. c. 13. (the next Number) imposes a specific Punishment upon this Offence. In R. v Cator. 4 Bur. 2026, Lord Mansfield said that the latter Act seems to be a Repeal of the former: it was intended to supply the Deficiencies of the former. This Expression is, in Ruffhead and Runnington's Editions, supposed to mean that the Statute itself was totally repealed, which seems to be a Mistake, there being nothing in Stat. 23. Geo. II. to affect the Provisions of § 3 and 4.

shall from thenceforth be and be deemed and taken to be an Alien, and shall be put out of his Majesty's Protection.

No. 1.
5 George I.
c. 27.

IV. And be it further enacted by the Authority aforesaid, That from and after the said first Day of May one thousand seven hundred and nineteen, upon Complaint made upon Oath before any Justice or Justices of the Peace, that any Person or Persons is or are endeavouring to seduce or draw away any such Manufacturer or Artificer as aforesaid out of his Majesty's rant for the app-
Dominions, for any the Purposes aforesaid, or that any such the Offender, Manufacturer or Artificer as aforesaid hath contracted, pro- and bind him to mised or is preparing to go out of his Majesty's Dominions for Assizes, &c. any of the Purposes aforesaid, then and in such Case it shall and may be lawful to and for the Justice or Justices of the Peace unto whom such Complaint shall be made, to send forth his Warrant to bring the Person and Persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, Riding, Division or City; and if, when such Person or Persons shall be so brought before such Justice or Justices, it shall appear to such Justice or Justices, by the Oath or Oaths of one or more credible Witness or Witnesses, or by the Confession of the Party or Parties so brought before him or them, that the Party so complained of was guilty of any of the said Offences, then and in such Case it shall and may be lawful to and for such Justice and Justices to bind the Person so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding or Division where such Offence shall be committed, to answer the Premisses, with reasonable Sureties for such his Appearance; and in case such Person or Persons shall refuse or neglect to give such Security, then and in such Case it shall and may be lawful to and for such Justice and Justices to commit the Person or Persons so refusing to the County Gaol, there to be kept until the next Assizes or next Quarter Sessions of the County, City, Riding or Division where such Commitment shall be, at the Election of such Justice of the Peace, and Persons con-
until he, she, or they shall be delivered by due Course of victed shall give Law; and in case any such Artificer or Manufacturer shall be depart the convict upon any Indictment to be preferred against him at Kingdom, or be such Assizes or general Gaol Delivery, or Quarter Sessions of such Security the Peace as aforesaid, of any such Promise or Contract, or given. Preparation to go abroad beyond the Seas, for any of the Pur-
poses aforesaid, then and in such Case the Person so convict shall give such Security to his Majesty, his Heirs and Successors, not to depart out of his Majesty's Dominions for any of the Pur-
poses aforesaid, as such Court shall think reasonable, and shall be imprisoned until such Security shall be given.

V. And be it further enacted by the Authority aforesaid, That if any of the above-mentioned Offences shall be com-
mitted in that Part of Great Britain called Scotland, the same shall be prosecuted in the Court of Justiciary or the Circuits of the Justiciary or Circuits thereof.

Justices of
Peace may, on
Complaint of
any Offence
against this Act,
issue their War-
rant for the ap-
pearance of the
Offender, and bind him to
appear at the
Assizes, &c.

Persons refus-
ing to give such
Security may
be committed.

Persons con-
victed shall give
Security not to
be imprisoned till
such Security is given.

Preparation to go
abroad beyond the
Seas, for any of the
Purposes aforesaid,
then and in such Case
the Person so convic-
t shall give such
Security to his
Majesty, his Heirs
and Successors, not
to depart out of his
Majesty's Dominions
for any of the Pur-
poses aforesaid, as
such Court shall think
reasonable, and shall
be imprisoned until
such Security shall be
given.

That if any of the
above-mentioned
Offences shall be
committed in that
Part of Great Britain
called Scotland, the
same shall be prosecut-
ed in the Court of
Justiciary or the
Circuits thereof.

No. 2.

- ¶. 23 George II. c. 13.—An Act for the more effectual punishing of Persons convicted of seducing Artificers in the Manufactures of *Great Britain or Ireland*, out of the Dominions of the Crown of *Great Britain*; and to prevent the Exportation of Utensils made use of in the Woollen and Silk Manufactures from *Great Britain or Ireland*, into foreign Parts; and for the more easy and speedy Determination of Appeals, allowed in certain Cases, by an Act made in the last Session of Parliament, relating to Persons employed in the several Manufactures therein mentioned.

No. 2.
 23 George
 c. 13.
 ; Geo. I. c. 27.

WHEREAS by an Act made in the fifth Year of the Reign of his late Majesty King George the first, intituled, "An Act to prevent the Inconveniences arising from seducing Artificers in the Manufactures of *Great Britain* into foreign Parts;" it is amongst other Things enacted, That if any Person or Persons shall contract with, entice, endeavour to persuade or solicit any Manufacturer or Artificer of or in Wooll, Iron, Steel, Brass or any other Metal, Clock-maker, Watch-maker, or any other Artificer or Manufacturer of *Great Britain*, to go out of the Kingdom, into any foreign Country out of his Majesty's Dominions, and shall be lawfully convicted thereof, in the Manner prescribed by the said Act; the Person and Persons so convict shall be fined any Sum not exceeding one hundred Pounds for such first Offence, according to the Discretion of the Court, in which such Conviction shall be, and shall be imprisoned for the Space of three Months, and until such Fine shall be paid; and if any Person or Persons having been once convict as aforesaid, shall offend again, and be so convict a second Time of the like Offence, then, and in such Case, the Person so convict a second Time, shall be fined at the Discretion of the Court, where such Conviction shall be, and shall be imprisoned for twelve Months, and until such Fine shall be paid: And whereas, notwithstanding the Penalties to which Offenders against the said Act are thereby subjected, divers wicked and evil-disposed Persons have of late seduced into foreign Parts several Artificers in the Woollen and other Manufactures; and it is therefore become necessary to make some further and more effectual Provision, to deter such Persons from committing the said Offences, so destructive to the Trade of this Kingdom: Therefore, for preventing the said pernicious Practices for the future, and for explaining, amending and rendering more effectual the said Act, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Authority of the same, That if at any Time after the twenty-fourth Day of June one thousand seven hundred and fifty, any Person or Persons shall contract with, entice, persuade or endeavour to persuade, solicit or seduce any Manufacturer, Workman or Artificer of or in Wooll, Mohair, Cotton or Silk, or of Artificers in the or in any Manufactures made up of Wooll, Mohair, Cotton or Silk, or any of the said Materials mixed one with another, or of Iron, Steel, Brass or any other Metal, or any of the Clock-maker, Watch-maker, or any other Manufacturer, Workman or Artificer of, or in any other of the Manufactures of Great Britain or Ireland, of what Nature or Kind soever, to go out of this Kingdom, or out of the Kingdom of Ireland, into any foreign Country, not within the Dominions of or belonging to the Crown of Great Britain; and shall be lawfully convicted thereof upon any Indictment or Information to be preferred or brought against him, her or them, in his Majesty's Court of King's Bench at Westminster, or by Indictment at the Assizes or General Gaol Delivery for the County, Riding or Division, wherein such Offence shall be committed (if such Offence shall be committed in that Part of Great Britain called England) or by Indictment in the Court of Justiciary or any of the Circuit Courts in Scotland (if such Offence shall be committed in that Part of Great Britain called Scotland) or by Indictment or Information in his Majesty's Court of King's Bench at Dublin (if such Offence shall be committed in Ireland) the Person or Persons so convicted, shall, for every Artificer, Workman or Manufacturer, so by him, her or them respectively contracted with, enticed, persuaded, solicited or seduced, severally forfeit the Sum of five hundred Pounds of lawful Money of Great Britain; and shall also suffer Imprisonment in the Common Gaol of the County, Riding, Division, and to be imprisoned for 12 Months, or Stewartry, wherein such Offender or Offenders shall be respectively convicted, for the Space of twelve Calendar Months, without Bail or Mainprize, and until such Forfeiture shall be paid; and in case of a further Conviction, in Manner And for a second Offence to forfeit 1000, before prescribed by this Act, for or upon a second or other subsequent Offence of the same Kind, the Person or Persons so again offending shall, upon every second or other subsequent Conviction, severally forfeit for every Person so by him, her or them respectively contracted with, enticed, persuaded, solicited or seduced, the Sum of one thousand Pounds of lawful Money of Great Britain; and shall also suffer Imprisonment in the Common Gaol of the County, Riding, Division, Shire or Stewartry, wherein such Offender or Offenders shall be respectively convicted, for the Space of two Years, without Bail or Mainprize, and until such Forfeiture shall be paid; any thing in the said in part recited Act of the fifth Year of his said late Majesty's Reign to the contrary notwithstanding.

late Majesty's Reign to the contrary notwithstanding.

II. Provided nevertheless, That no Person shall be Prosecuted to be commenced
prosecuted for any of the Offences aforesaid, unless such Prosecution shall be commenced within twelve Calen- Months.
dar Months next after such Offence shall be committed.

No. 2.
23 George II.
c. 13.

Persons export-
ing Utensils of
the Woollen
and Silk Manu-
factures,

shall forfeit the
Tools and 200l.

Officers of the
Customs im-
powered to seize
Tools found on
Board Ships
bound to foreign
Parts.

To be sold after
Condemnation.

III. And whereas the Exportation of the several Tools or Utensils made use of in preparing, working up and finishing the Woollen and Silk Manufactures, or any or either of them, will enable Foreigners to work up such Manufactures, and thereby greatly diminish the Exportation of the same from this Kingdom; Therefore, for preserving as much as possible to his Majesty's British Subjects, the Benefits arising from those great and valuable Branches of Trade and Commerce; Be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June one thousand seven hundred and fifty, if any Person or Persons in Great Britain or Ireland shall, upon any Pretence whatsoever, load or put on Board, or cause to be loaded or put on board of any Ship, Vessel or Boat which shall not be bound directly to some Port or Place in Great Britain or Ireland, or to some other of the Dominions of the Crown of Great Britain, any such Tools or Utensils as are commonly used in, or are proper for the preparing, working up, or finishing of the Woollen or Silk Manufactures, or any or either of them, or any Parts or Parcels of such Tools or Utensils, by what Name or Names such Tools or Utensils shall or may be called or known, the Person or Persons so offending shall, for every such Offence, not only forfeit and lose all such Tools and Utensils, or Parts or Parcels thereof, which shall be so loaded or put on Board as aforesaid, but also the Sum of two hundred Pounds of lawful Money of Great Britain, to be recovered by Action of Debt, Bill, Plaintiff or Information, in any of his Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland, or in any of the four Courts at Dublin respectively, wherein no Essoin, Protection, Privilege or Wager of Law, shall be allowed, or more than one Impariment.

IV. And be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June one thousand seven hundred and fifty, it shall and may be lawful to and for any Officer of his Majesty's Customs in Great Britain, and for any Officer of the Revenue in Ireland, to seize and secure in some or one of his Majesty's Warehouses, all such Tools or Utensils by this Act prohibited to be exported, as such Officer shall find or discover to be laid or put on board of any Ship, Vessel or Boat which shall not be bound directly to some Port or Place in Great Britain or Ireland, or to some other of the Dominions of the Crown of Great Britain, and that every Officer who shall seize and secure any of the said Tools or Utensils, shall be fully and absolutely indemnified for so doing; and all Tools or Utensils so seized and secured as aforesaid, shall, after Condemnation thereof, in due Course of Law, be publicly sold to the best Bidder, and one Moiety of the Produce arising by the Sale of such Tools and Utensils, shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer who shall seize and secure the same as aforesaid.

V. And be it further enacted by the Authority aforesaid, No. 2.
 That from and after the said twenty-fourth Day of June one ^{23 George II.}
 thousand seven hundred and fifty, if the Captain or Master of
 any Ship, Vessel or Boat, in *Great Britain* or *Ireland*, shall ^{Ca} ^{is of}
 knowingly permit any of the said Tools or Utensils by this Act ^{Vi} ^{permit-}
 prohibited to be exported as aforesaid, to be put on board his ⁱⁿ ^{h Utensil}
 said Ship, Vessel or Boat, every such Captain or Master shall, ^{six} ^{e put,}
 for every such Offence, forfeit the Sum of one hundred Pounds
 of lawful Money of *Great Britain*, to be sued for and recovered
 in the same Manner as the Penalties by this Act inflicted upon
 Persons exporting the said Tools or Utensils are to be sued for
 and recovered; and if the said Ship, Vessel or Boat belongs ^{Captains of his}
 to his Majesty, his Heirs or Successors, then the Captain or ^{to forfeit tool.}
 Master thereof shall not only forfeit the Sum of one hundred and to be ea-
 Pounds of lawful Money of *Great Britain*, to be sued for and shiered,
 recovered as aforesaid, but shall also forfeit his Employment,
 and be incapable of any Office or Employment under his Ma-
 jesty, his Heirs or Successors.

VI. And be it further enacted by the Authority aforesaid, Officer of the
 That if any Customer, Comptroller, Surveyor, Searcher, Waifer Custom-house,
 or other Officer of the Customs in *Great Britain*, or any Officer ^{etc. &c.} for the
 of the Revenue in *Ireland*, shall take, or knowingly or wil-
 lingly suffer to be taken, any Entry outward, or shall sign ^{Tools,}
 any Cocket, Warrant or Sufferance for the shipping or ex-
 porting of any of the said Tools or Utensils by this Act pro-
 hibited to be exported, or shall knowingly or willingly per-
 mit or suffer the same to be done, directly or indirectly,
 contrary to the true Intent and Meaning of this Act, every
 such Customer, Comptroller, Surveyor, Searcher, Waifer or
 other Officer of the Customs in *Great Britain*, or Officer of the
 Revenue in *Ireland* so offending, shall forfeit the Sum of one ^{to forfeit tool.}
 hundred Pounds of lawful Money of *Great Britain*, to be sued ^{and his Em-}
 ployment,

for and recovered as aforesaid; and shall also forfeit his Office,

and be incapable of any Office or Employment under his Ma-

jesty, his Heirs or Successors.

VII. And be it further enacted by the Authority aforesaid, One Moiety to
 That one Moiety of the respective Forfeitures by this Act the King, the
 inflicted upon Offenders against the same, shall, when recover- ^{other to the}
 ed, go ^{be applied to the Use of his Majesty, his Heirs and} Prosecutor.

Persons who shall sue and prosecute for the same respectively.

VIII. And be it further enacted by the Authority aforesaid, Limitation of
 That if any Suit or Action shall be commenced against Actions.
 any Person for what he shall do in pursuance of this Act, such
 Action shall be commenced within six Months after the Fact
 committed; and the Person so sued may file common Bail,
 or enter a common Appearance, and plead the General Issue, General Issue.
 Not Guilty, and may give this Act and the Special Matter in
 Evidence; and if the Plaintiff or Prosecutor shall become
 nonsuit, or suffer Discontinuance, or if a Verdict pass against
 him, or if, upon Demurrer, Judgment be given against him,
 the Defendant shall recover Treble Costs, Treble Costs.

No. 3.

14 George III. c. 71.—An Act to prevent the Exportation to foreign Parts of Utensils made Use of in the Cotton, Linen, Woollen, and Silk Manufactures of this Kingdom.

No. 3.
14 George III
c. 71.

Persons shipping Tools used in the Cotton or Linen Manufactures, in order to export the same,

to forfeit all such Tools, &c. and 200l.

Officers to seize all Tools, &c.

WHEREAS the Exportation of the several Tools or Utensils made use of in preparing, working up, and finishing the Cotton and Linen Manufactures of this Kingdom, or any or either of them, or any other Goods wherein Cotton and Linen, or either of them, are used, will enable Foreigners to work up such Manufactures, and thereby greatly diminish the Exportation of the same from this Kingdom: Therefore for preserving as much as possible to his Majesty's British Subjects the Benefits arising from those great and valuable Branches of Trade and Commerce, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at any Time after the first Day of *July* one thousand seven hundred and seventy-four, any Person or Persons, in *Great Britain* or *Ireland*, shall upon any Pretence whatsoever, load or put on board, or cause to be laden or put on board, of any Ship, Vessel, or Boat, which shall not be bound directly to some Port or Place in *Great Britain* or *Ireland*, any such Tools or Utensils, as are commonly used in, or are proper for the preparing, working up, or finishing, of the Cotton or Linen Manufactures, or any or either of them, or any other Goods wherein Cotton and Linen, or either of them are used, or any Parts or Parcels of such Tools or Utensils, by what Name or Names the same shall or may be called or known; the Person or Persons so offending shall, for every such Offence, not only forfeit and lose all such Tools and Utensils, or Parts or Parcels thereof, which shall be so laden or put on board as aforesaid, but also the Sum of two hundred Pounds of lawful Money of *Great Britain*; to be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Session in *Scotland*, or in any of the four Courts of *Dublin* respectively, wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed, or more than one Impariment.

II. And be it further enacted by the Authority aforesaid, That from and after the said first Day of *July*, it shall and may be lawful to and for any Officer of his Majesty's Customs in *Great Britain*, and for any Officer of the Revenue in *Ireland*, to seize and secure, in some or one of his Majesty's Warehouses, all such Tools or Utensils, or Parts or Parcels thereof, by this Act prohibited to be exported, as such Officer shall find or discover to be laid or put on board of any Ship, Vessel, or Boat, which shall not be bound directly to some Port or Place

in *Great Britain or Ireland*, and that every Officer who shall seize and secure any of the said Tools or Utensils, or Parts or Parcels thereof, shall be fully and absolutely indemnified for so doing; and all Tools and Utensils, or Parts or Parcels thereof, so seized and secured as aforesaid, shall, after Condemnation thereof in due Course of Law, be publickly sold to the best Bidder, and one Moiety of the Produce arising by the Sale of such Tools and Utensils shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer who shall seize and secure the same as aforesaid.

III. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of July, if the Captain or Master of any Ship, Vessel, or Boat, in *Great Britain or Ireland*, shall knowingly permit any Tools or Utensils, by this Act prohibited to be exported as aforesaid, to be put on board his said Ship, Vessel, or Boat, every such Captain or Master shall, for every such Offence, forfeit the Sum of two hundred Pounds of lawful Money of *Great Britain*; to be sued for and recovered in such Manner as the Penalties by this Act upon Persons exporting the said Tools and Utensils are to be sued for and recovered: And if the said Ship, Vessel, or Boat belongs to his Majesty, his Heirs or Successors, then the Captain or Master thereof shall not only forfeit the Sum of two hundred Pounds, to be sued for and recovered as aforesaid, but shall also forfeit his Employment, and be incapable of any Office or Employment under his Majesty, his Heirs or Successors.

IV. And be it further enacted by the Authority aforesaid, That if any Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in *Great Britain*, or any Officer of the Revenue in *Ireland*, shall take, or knowingly suffer to be taken, any Entry outward, or sign any Cocket, Warrant, or Sufferance, for the shipping or exporting of any of the said Tools or Utensils by this Act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true Intent and Meaning of this Act, every such Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs of *Great Britain*, or Officer of the Revenue in *Ireland*, shall, for every such Offence, forfeit the Sum of two hundred Pounds of lawful Money of *Great Britain*, to be sued for and recovered as aforesaid, and shall also forfeit his Office, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons, from and after the said first Day of July, shall collect, obtain, or have in his, her or their Custody or Possession any such Tools or Implements as aforesaid, or any Tools or Implements used in the Woolen or Silk Manufactures of this Kingdom, or any Parts or Parcels thereof, and Complaint shall be made upon the Oath of one or more credible Witness or Witnesses, before

No. 3.
14 George III.
c. 71.

Master permitting such Tools
to be exported,
forfeits 200l. a

Captain
forfeits 200l.
and his Com-
mission.

No. 3. any Justice or Justices of the Peace, that there is Reason to believe such Person or Persons have or hath collected, obtained, or got into his, her, or their Custody or Possession, such Tools or Implements as aforesaid, or Parts or Parcels thereof, with Intent to export the same to some other Port or Place than *Great Britain* or *Ireland*; then, and in such Case, it shall and may be lawful to and for the Justice or Justices of the Peace, unto whom such Complaint shall be made, to issue his Warrant or Warrants, not only to seize all such Tools or Implements, and Parts or Parcels thereof, but also to bring the Person and Persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, Riding, Division, or City; and if, when such Person or Persons shall be so brought before such Justice or Justices, he, she, or they shall not give such an Account of the Use or Purpose to which such Tools or Utensils, or Parts or Parcels thereof, are intended to be appropriated, as shall be satisfactory to the Justice or Justices before whom he, she, or they shall be brought as aforesaid, then, and in such Case, it shall and may be lawful to and for such Justice or Justices, not only to cause all such Tools or Utensils, or Parts or Parcels thereof, which shall have been seized as aforesaid, to be detained, but also to bind the Person or Persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, or Division, where such Offence shall be committed, with reasonable Sureties for his, her, or their Appearance; and in case such Person or Persons shall refuse or neglect to give such Security, then, and in such Case, it shall and may be lawful to and for such Justice and Justices to commit the Person or Persons so refusing to the County Gaol, there to be kept until the next Assizes, or next Quarter Sessions, of the County, City, Riding, or Division, where such Commitment shall be, at the Election of such Justice of the Peace, and until he, she, or they, shall be delivered by due Course of Law: And in case any such Person or Persons shall be convicted upon any Indictment or Information against him, her, or them, at such Assize or General Gaol Delivery, or Quarter Sessions of the Peace as aforesaid, of collecting, obtaining, or getting into his, her, or their Custody or Possession, such Tools or Utensils, or Parts or Parcels thereof, with such Intent as aforesaid; then, and in such Case, the Person or Persons so offending, shall, for every such Offence, not only forfeit and lose all such Tools and Utensils, and Parts and Parcels thereof, which shall be so seized and detained, but also the Sum of two hundred Pounds of lawful Money of *Great Britain*; to be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Session in *Scotland*, or in any of the four Courts at *Dublin* respectively, wherein no Essoin, Protection, Privilege, Wager of Law, or more than one Impariment, shall be allowed.

And in case such Person be convicted he shall lose all such Utensils, and forfeit 200l.

Forfeitures,

VI. And be it further enacted by the Authority aforesaid, That one Moiety of the respective Forfeitures by this Act

Justices may grant Warrants, &c.

inflicted upon Offenders against the same, shall, when recovered, go and be applied to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Use of the Person or Persons who shall sue and prosecute for the same respectively.

No. 3.

14 George III.

c. 71.

VII. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced against any Person, for what he shall do in pursuance of this Act, such Action shall be commenced within six Months after the Fact committed; and the Person so sued may file common Bail, or enter a common Appearance, and plead the General Issue, Not Guilty; and may give this Act, and the Special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit, or suffer Discontinuance, or if a Verdict pass against him or her, or if, upon Demurrer, Judgement be given against the Plaintiff, the Defendant shall recover Treble Costs.

Treble Costs.

No. 4.

15 George III. c. 5.—An Act to repeal so much of an Act made in the fourteenth Year of the Reign of his present Majesty, intituled, “An Act to prevent the Exportation to Foreign Parts of Utensils made use of in the Cotton, Linen, Woollen, and Silk Manufactures of this Kingdom,” as relates to Wool Cards used in the Woollen Manufactures of this Kingdom, intended to be exported to any of his Majesty’s Colonies or Plantations in America.

No. 5.

21 George III. c. 37.—An Act to explain and amend an Act made in the fourteenth Year of the Reign of his present Majesty, intituled, “An Act to prevent the Exportation to foreign Parts of Utensils made use of in the Cotton, Linen, Woollen, and Silk Manufactures of this Kingdom.”

WHEREAS by an Act, made in the fourteenth Year of the Reign of his present Majesty, intituled, “An Act to prevent the Exportation to foreign Parts of Utensils made use of in the Cotton, Linen, Woollen, and Silk Manufactures of this Kingdom,” certain Provisions, Penalties, and Forfeitures, are provided, inflicted, and imposed, for the Purpose of preventing and prohibiting the Exportation into foreign Parts (except to any Port or Place within Great Britain or Ireland) of all such Tools or Utensils as are commonly used in, or are proper for the preparing, working up, or finishing, of the Cotton or Linen Manufactures of this

No. 5.

21 George III.

c. 37.

Preamble.

Act 14 G. 3.

No. 5.
 21 George III; c. 37.

Kingdom; and also for the preventing and prohibiting all and every Person or Persons whomsoever from the collecting, obtaining, or having in his, her, or their Custody or Possession, with Intent to export, any Tools or Implements used as well in the said Cotton or Linen, as in the Woollen or Silk Manufactures of this Kingdom: And whereas the Penalties and Forfeitures to which Offenders against the said Act are thereby subjected and made liable, and the Provisions, Powers, and Remedies thereby made and provided, for the Recovery and enforcing of such Penalties and Forfeitures, are found inadequate to the Prevention of the Evils thereby intended to be remedied; and it is therefore become necessary to make some further and more effectual Provision to deter Persons from committing the said Offences, so destructive to the Trade of this Kingdom: Therefore, for the better preserving to his Majesty's Subjects the Benefits arising from those great and valuable Branches of Trade and Commerce, and for preventing the said pernicious Practices for the future, and for explaining, amending, and rendering more effectual, the said recited Act,' Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if, at any Time after the twenty-fourth Day of June one thousand seven hundred and eighty-one, any Person or Persons in Great Britain or Ireland shall, upon any Pretence whatsoever, load, or put on Board, or pack, or cause or procure to be loaden, put on Board, or packed, in order to be loaded or put on Board of any Ship or Vessel, which shall not be bound directly to some Port or Place in Great Britain or Ireland, or shall lade, or cause or procure to be laden, on Board any Boat or other Vessel, or shall bring, or cause to be brought, to any Quay, Wharf, or other Place, in order to be so laden or put on Board any such Ship or Vessel, any Machine, Engine, Tool, Press, Paper, Utensil, or Implement whatsoever, which now is, or at any Time or Times hereafter shall or may be used in, or proper for the preparing, working, pressing, finishing, or completing, of the Woollen, Cotton, Linen, or Silk Manufactures of this Kingdom, or any or either of them, or any other Goods wherein Wool, Cotton, Linen, or Silk, or any or either of them, are or is used, or any Part or Parts of such Machine, Engine, Tool, Press, Paper, Utensil, or Implement, by what Name or Names soever the same shall be called or known; or any Model or Plan, or Models or Plans, of any such Machine, Engine, Tool, Press, Paper, Utensil, or Implement, or any Part or Parts thereof, and Complaint being made, upon the Oath of one or more credible Witness or Witnesses, before any Justice or Justices of the

any Justice may grant a Warrant for seizing such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, and Part or Parts thereof,

and all such Model or Plan, Models or Plans, and Part or Parts thereof, together with the Packages, and all other Goods packed therewith, if any such there be, but also to bring the Person or Persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, City, Riding, Division, Liberty, Shire, Stewartry, or Place; and if, when such Person or Persons shall be brought before such Justice or Justices, he, she, or they, shall not give factory Account such an Account of the Use or Purpose to which such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, and Part or Parts thereof, and all such Model or Plan, Models or Plans, and Part or Parts thereof, are intended to appear to be appropriated, as shall be satisfactory to the Justice or Justices before whom he, she, or they, shall be brought as aforesaid, then, and in such Case, it shall and may be lawful to and for such Justice or Justices, not only to cause all such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, Models or Plans, or Part or Parts thereof, which shall have been seized as aforesaid, together with the Packages, and all other Goods packed therewith, to be detained, but also to bind the Person or Persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, Division, Stewartry, or Place, where such Offence shall be committed, with reasonable Sureties for his, her, or their Appearance; and in case such Person or Persons shall refuse or neglect to give such Security, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to commit the Person or Persons so refusing to the Common Gaol or House of Correction, there to be kept until the next Assizes, or next Quarter Sessions, of the County, City, Riding, Division, Shire, Stewartry, or Place, where such Commitment shall be, and until he, she, or they, shall be delivered by due Course of Law; and in case any such Person or Persons shall be convicted of any of the Offences aforesaid, upon any Indictment or Information against him, her, or them, at such Assizes or Quarter Sessions of the Peace as aforesaid, the Person or Persons so offending shall, for every such Offence, not only forfeit all such Machines, Engines, Tools, Press, Paper, Utensil, or Implements, Models or Plans, or Parts thereof respectively, together with the Packages, and all other Goods packed therewith, if any such there be, but also the Sum of two hundred Pounds of lawful Money of Great Britain; and shall also suffer Imprisonment in the Common Gaol, Prison, or House of Correction, of the County, City, Riding, Division, Liberty, Shire, Stewartry, or Place, wherein such Offender or Offenders shall be respectively convicted, for the Space of twelve Months, without Bail or Mainprize, and until such Forfeiture shall be paid.

II. And be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of June, it shall and may be lawful to and for any Officer of his Majesty's Customs in Great Britain, and to and for any Officer of the Revenue in Ireland, and they are hereby required to seize, and if any such Machine, &c. be not given to the Justice, he may detain such Party to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, Division, Stewartry, or Place, where such Offence shall be committed, and bind the Person or Persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace for the County, City, Riding, Division, Shire, Stewartry, or Place, where such Commitment shall be, and until he, she, or they, shall be delivered by due Course of Law; and in case such Person or Persons shall be convicted of any of the Offences aforesaid, upon any Indictment or Information against him, her, or them, at such Assizes or Quarter Sessions of the Peace as aforesaid, the Person or Persons so offending shall, for every such Offence, not only forfeit all such Machines, Engines, Tools, Press, Paper, Utensil, or Implements, Models or Plans, or Parts thereof respectively, together with the Packages, and all other Goods packed therewith, if any such there be, but also the Sum of two hundred Pounds of lawful Money of Great Britain; and shall also suffer Imprisonment in the Common Gaol, Prison, or House of Correction, of the County, City, Riding, Division, Liberty, Shire, Stewartry, or Place, wherein such Offender or Offenders shall be respectively convicted, for the Space of twelve Months, without Bail or Mainprize, and until such Forfeiture shall be paid.

Custom-house Officers im-

power to seize

all such Ma-

chines, &c.

going to be ex-

ported.

No. 5.
21 George III. c. 37.

and secure in some or one of his Majesty's Warehouses, all such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, or Part or Parts thereof, and all and every such Model or Plan, Models or Plans, or Part or Parts thereof, as such Officer shall find or discover, to be laid or put on board, or intended to be laid or put on board of any Ship, Vessel, or Boat, which shall not be bound directly to some Port or Place in *Great Britain* or *Ireland*, contrary to the true Intent and Meaning of this Act, together with the Packages, and all other Goods packed therewith, if any such there be, and they are hereby indemnified in so doing; and all Machines, Engines, Tools, Press, Papers, Utensils, and Implements, or Part or Parts thereof, Model or Plan, Models or Plans, or Part or Parts thereof, together with the Packages and other Goods packed therewith, so seized and secured as aforesaid, shall, after Condemnation thereof in due Course of Law, be publicly sold to the best Bidder, by Order of the Commissioners of the Customs in *Great Britain*, or Commissioners of the Revenue in *Ireland* respectively; and one Moiety of the Produce arising by the Sale thereof, after deducting the Charges of Condemnation and Sale, shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer who shall seize and prosecute the same as aforesaid.

Penalty on Captains taking on board any such Machine, &c.

III. And be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of June, if the Captain or Master of any Ship, Vessel, or Boat, in *Great Britain* or *Ireland*, shall knowingly or designedly permit or suffer any Machine, Engine, Tool, Press, Paper, Utensil, or Implement, or Part or Parts thereof, or any Model or Plan, or Part or Parts thereof, by this Act prohibited to be exported as aforesaid, to be put on board his said Ship, Vessel, or Boat, every such Captain or Master shall, for every such Offence, forfeit the Sum of two hundred Pounds; and if the said Ship, Vessel, or Boat, shall belong to his Majesty, his Heirs or Successors, then the Captain, or Master thereof, shall not only forfeit the Sum of two hundred Pounds, but shall also forfeit his Employment, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

Penalty on Custom-house Officers who shall take any Entry outward, &c. for exporting any such prohibited Machines, &c.

IV. And be it further enacted by the Authority aforesaid, That if any Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in *Great Britain*, or any Officer of the Revenue in *Ireland*, shall take, or knowingly or willingly suffer to be taken, any Entry outward, or shall sign any Cocket, Warrant, or Sufferance, for the shipping or exporting of any of the said Machines, Engines, Tools, Press, Papers, Utensils, or Implements, or any Part or Parts thereof, or any of the said Models or Plans, or any Part or Parts thereof, by this Act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true Intent and Meaning of this Act, every such Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs of *Great Britain*, or

Officer of the Revenue in *Ireland*, shall, for every such Offence, forfeit the Sum of two hundred Pounds, and shall also forfeit his Office, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

V. And it is hereby further enacted by the Authority aforesaid, That the several Penalties and Forfeitures herein before mentioned (the Manner of Recovery wherof is not herein particularly directed) shall and may be sued for and recovered, by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Session in *Scotland*, or in any of the four Courts at *Dublin*, in the Name of his Majesty's Attorney General, or Lord Advocate, or in the Name of some Officer or Officers of the Customs in *Great Britain*, or some Officer or Officers of the Revenue in *Ireland* respectively, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Imparllance, shall be allowed; and that one Moiety of the said Penalties and Forfeitures shall go and be applied to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Use of such Officer or Officers of the Customs or Revenue as shall sue and prosecute for the same respectively, after deducting the Charges of Prosecution from the Whole.

VI. And be it further enacted by the Authority aforesaid, That, from and after the said twenty-fourth Day of June, if made before any Person or Persons hath or have in his, her, or their Custody, Power, or Possession, or shall collect, obtain, make, Machine, &c. apply for, or cause or procure to be made, any such Machine, Engine, Tool, Press, Paper, Utensil, or Implement, or any Part or Parts thereof, or any such Model or Plan, Models or Plans, or Part or Parts thereof as aforesaid, with Intent to export, or that the same may be exported to some other Port or Place than *Great Britain* or *Ireland*, and Complaint being made, upon the Oath of one or more credible Witness or Witnesses, before any Justice or Justices of the Peace, that there is Reason to believe such Person or Persons hath or have in his, her, or their Custody, Power, or Possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such Machine, Engine, Tool, Press, Paper, Utensil, or Implement, or Part or Parts thereof, or any such Model or Plan, or Models or Plans, or Part or Parts thereof, as aforesaid, with Intent to export, or that the same may be exported to some other Port or Place than *Great Britain* or *Ireland*; then, and in any of the said Cases, it shall and may be lawful to and for the said Justice or Justices of the Peace to issue his or their Warrant or Warrants to seize all such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, or Part or Parts thereof, and all such Models or Plans, or Part or Parts thereof, as aforesaid, and to bring the Person or Persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, City, Riding, Division, Shire, Stewartry, or Place; and if

No. 5.
21 George III. c. 37.
such Person or Persons shall not give such an Account of the Use or Purpose to which such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, is, are, or were intended to be appropriated, as shall be satisfactory to the Justice or Justices before whom he, she, or they shall be brought as aforesaid, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to cause all such Machines, Engines, Tools, Press, Paper, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, which shall have been so seized as aforesaid, to be detained, and also to bind the Person or Persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace, for the County, City, Riding, Division, Shire, Stewartry, or Place where such Offence shall be committed, with reasonable Sureties for his, her, or their Appearance; and in case such Person or Persons shall refuse or neglect to give such Security, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to commit such Person or Persons to the County Gaol, Prison, or House of Correction, there to remain until the next Assizes or Quarter Sessions of the County, City, Riding, Division, Liberty, Stewartry, or Place where such Commitment shall be, and until he, she, or they shall be delivered by due Course of Law; and in case any such Person or Persons shall be convicted, upon any Indictment or Information against him, her, or them, at such Assizes or Quarter Sessions of the Peace as aforesaid, of having in his, her, or their Custody, Power, or Possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such Machine, Engine, Tool, Press, Paper, Utensil, or Implement, or Part or Parts thereof, Model or Plan, or Part or Parts thereof, with such Intent as aforesaid, then, and in such Case, the Person or Persons so convicted shall, for every such Offence, forfeit and lose all such Machines, Engines, Tools, Press, Papers, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, which shall be so seized and detained, and also the Sum of two hundred Pounds of lawful Money of Great Britain, and shall suffer Imprisonment in the Common Gaol of the County, City, Riding, Division, Shire, Stewartry, or Place, wherein such Offender or Offenders respectively shall be convicted, for the Space of twelve Months, without Bail or Mainprize, and until such Forfeiture shall be paid. Provided nevertheless, That no Person shall be prosecuted for any of the Offences aforesaid, in this Clause mentioned, unless such Prosecution shall be commenced within the Space of twelve Months next after such Offence shall be committed.

Prosecution to be commenced within twelve Months.

Forfeitures (where not otherwise provided) to go to the Informer.

VII. And be it further enacted by the Authority aforesaid, That the respective Forfeitures by this Act inflicted upon Offenders against the same, shall, when recovered (where the same is not by this Act otherwise provided), go and be applied

On Neglect of giving Security, the Party may be committed.

Penalty on Conviction.

to the Use of the Informer, after the Expences of the Prosecution are paid.

No. 5.
21 George III.
c. 37.
Limitation of Actions.

VIII. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced against any Person for what he shall do in pursuance of this Act, such Suit or Action shall be commenced within six Months next after the Fact committed, and the Person so sued may file common Bail, or enter a Common Appearance, and plead the General Issue Not Guilty, and may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become Nonsuit, or suffer Discontinuance, or if a Verdict pass against him or her, or if upon Demurrer Judgement shall be given against the Plaintiff, the Defendant shall recover Treble Costs.

General Issue.

IX. Provided always, That nothing herein contained shall extend to the preventing Wool Cards, or Stock Cards, not exceeding in Value four Shilling per Pair, and Spinners' Cards not exceeding in Value one Shilling and Sixpence per Pair, used in the said Woollen Manufacture, from being exported to any of his Majesty's Colonies or Plantations in America.

Not to extend to Wool Cards, &c. exported to America.

No. 6.

22 George III. c. 60.—An Act to prevent the seducing of Artificers or Workmen employed in printing Calicoes, Cottons, Muslins, and Linens, or in making or preparing Blocks, Plates, or other Implements used in that Manufactory, to go to Parts beyond the Seas; and to prohibit the exporting to foreign Parts of any such Blocks, Plates, or other Implements.

WHEREAS the Business or Manufactory of printing Calicoes, Cottons, Muslins, and Linens, with Wooden Blocks, has been long carried on in this Kingdom, greatly to the Advantage of the Publick, and has of late Years been much improved by using therein engraved Plates of Copper or other Metal, and thereby the Sale of such Goods has been considerably increased, and large Quantities exported: And whereas, for the encouraging of such Manufactory in this Kingdom, it is necessary that Provision should be made to prevent Artificers and others employed therein, or in making or repairing such Blocks and Plates, from departing, or from being seduced to depart, out of this Kingdom; and to prohibit the Exportation of any Blocks, Plates, Engines, Tools, or Utensils, to be used in such Manufactory: May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, if any Person or Persons shall contract with, entice, and entice Workmen

No. 6.
22 George III.
c. 60.

No. 6.
22 George III.
c. 60.
employed in
printing Calli-
coes, Cottons,
&c.

persuade, or endeavour to seduce or encourage, any Artificer or Workman concerned or employed, or who shall have worked at, or been employed in, printing Callicoes, Cottons, Muslins, or Linens of any Sort, or in making or preparing any Blocks, Plates, Engines, Tools, or Utensils, for such Manufactory, to go out of *Great Britain*, to any Parts beyond the Seas, and shall be convicted thereof, upon Indictment or Information in the Court of King's Bench at *Westminster*, or by Indictment at the Assizes or General Gaol Delivery for the County or Place wherein such Offence shall be committed, or the Offender or Offenders shall live or reside, or by Indictment in the Court of Justiciary or any of the Circuit Courts in *Scotland*, as the Case may be; every Person so convicted shall, for every Artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the Sum of five hundred Pounds of lawful Money of *Great Britain*, and shall be committed to the common Gaol for the County, Place, or Stewartry, wherein the Offender or Offenders shall be convicted, there to remain, without Bail or Mainprize, for the Space of twelve Calendar Months, and until such Forfeiture shall be paid; and in case of a subsequent Offence of the same Kind, the Person or Persons so again offending, shall, upon the like Conviction, forfeit and pay, for every Person so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, the Sum of one thousand Pounds of lawful Money of *Great Britain*, and shall be committed to the common Goal as aforesaid, there to remain, without Bail or Mainprize, for and during the Term of two Years, and until such Forfeiture shall be paid.

Prosecution in
twelve Months.

II. Provided always, That no Person shall be prosecuted for any of the Offences aforesaid, unless such Prosecution shall be commenced within the Space of twelve Calendar Months next after such Offence shall be committed.

Penalty on ex-
porting or at-
tempting to ex-
port any Blocks,
&c.

III. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons whomsoever to export from *Great Britain* to any Parts beyond the Seas, any Blocks, Plates, Engines, Tools, or Utensils, commonly used in, or which are proper for the preparing, working up, or finishing of the Calico, Cotton, Muslin, or Linen Printing Manufactures, or any Part or Parts of such Blocks, Plates, Engines, Tools, or Utensils; and if any Person or Persons shall put or endeavour to put on board any Ship, Boat, Barge, Lighter, or other Vessel, not bound directly to some Port in *Great Britain*, any such Blocks, Plates, Engines, Tools or Utensils, or Part or Parts thereof, every such Person shall forfeit all such Blocks, Plates, Engines, Tools, or Utensils, or Part or Parts thereof; and also shall forfeit and pay the Sum of five hundred Pounds of lawful Money of *Great Britain*, to be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, or in the Court of Session in *Scotland* respectively, wherein no Essoin, Protection, or Wager of Law, nor more than one Impariment, shall be allowed.

IV. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Officer or Officers of his Majesty's Customs or Excise, and they are hereby required and directed, from Time to Time, to seize, and secure in some of his Majesty's Warehouses, all such Blocks, Plates, Engines, Tools, or Utensils, or Part or Parts thereof, the Exportation whereof is hereby prohibited, as he or they shall find, or be informed to be on board, or in a Way of being put on board any Ship, Boat, Barge, Lighter, or other Vessel, not bound directly to some Port in *Great Britain*; and all Blocks, Plates, Engines, Tools, or Utensils, or Part or Parts thereof, so seized, shall, after Condemnation thereof in due Course of Law, be publickly sold to the best Bidder, to be used in *Great Britain*, and not elsewhere; and one Moiety of the Produce shall go to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer or Officers who shall have seized and secured the same.

V. And be it further enacted, That, from and after the passing of this Act, if the Captain, Master, Mate, or other Officer, of any Ship or other Vessel in *Great Britain* or *Ireland*, shall willingly or knowingly permit or suffer any such Blocks, Plates, Engines, Tools, or Utensils, or Part or Parts thereof, to be put on board his or their Ship or other Vessel, or shall connive at the same being done, he or they shall, for every such Offence, forfeit and pay the Sum of one hundred Pounds of lawful Money of *Great Britain*, to be recovered as the Penalties by this Act imposed on Persons exporting Blocks, or other Things, as aforesaid, are directed to be recovered; and if the Ship or Vessel belongs to his Majesty, his Heirs or Successors, the Captain, or other Officer or Officers thereof, so permitting, suffering, or conniving, shall, besides forfeiting the said Sum of one hundred Pounds, be, and is and are hereby declared to be incapable of holding any Office or Commission under his Majesty, his Heirs or Successors.

VI. And be it further enacted, That, from and after the passing of this Act, if any Officer or Officers of his Majesty's Customs shall take, or knowingly and willingly permit or allow, or suffer to be taken, any Entry or Entries outward, or sign any Cocket or Cockets or Sufferance, for the shipping or exporting of any of the said Blocks, Plates, Engines, Tools, or Utensils, or Part or Parts thereof, or knowingly suffer the same to be done, he or they shall forfeit and pay the Sum of one hundred Pounds of lawful Money of *Great Britain*, to be recovered in Manner aforesaid; and shall also forfeit and lose his or their Office or Employment, and be for ever rendered incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

VII. And be it further enacted, that one Moiety of the respective Forfeitures, by this Act inflicted on Offenders against the same, shall, when recovered, go and be applied to the Use of his Majesty, his Heirs and Successors; and the other

No. 6.
22 George III.
c. 60.

Officers empow-
ered to seize
such Blocks, &c

Penalty on Cap-
tains, &c. who
shall permit
such Blocks,
&c. to be put on
board.

Offi-
cers who shall
take an Entry
outward for ex-
porting any of
the said Blocks,
&c.

Forfeitures.

- No. 6.
22 George III.
c. 60.
Limitation of Actions.
General Issue
Treble Costs.
- Moiety to the Use of the Person or Persons who shall sue and prosecute for the same respectively.
- VIII. And be it further enacted, that if any Action or Suit shall be commenced against any Person for what he shall do in pursuance of this Act, such Action or Suit shall be commenced within six Calendar Months next after the Fact committed; and the Person so sued shall and may file common Bail, and enter a common Appearance, and plead the General Issue Not Guilty, and may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit, or suffer Discontinuance, or if a Verdict shall pass against him, or if, upon Demurrer, Judgement shall be given against him, then, and in any of the Cases aforesaid, the Defendant shall recover Treble Costs.

No. 7.

23 George III. c. 67.—An Act to prohibit the Exportation to foreign Parts, of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom; and to prevent the seducing of Artificers or Workmen, employed in those Manufactures, to go into Parts beyond the Seas.

No. 7.
25 George III.
c. 67.

No Person to put on board any Vessel for Exportation, any Tool, &c. in the Act specified,

WHEREAS the Exportation of the several Tools and Utensils made use of in preparing, working up, and finishing the Iron and Steel Manufactures of this Kingdom, or either of them, will enable Foreigners to work up such Manufactures, and thereby greatly diminish the Exportation of the same from this Kingdom; therefore, for the preserving, as much as possible, to his Majesty's Subjects the Benefits arising from those great and valuable Branches of Trade and Commerce, may it please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if, at any Time after the first Day of *August* one thousand seven hundred and eighty-five, any Person or Persons in *Great Britain* shall, upon any Pretence whatsoever, export, load, or put on board, or pack, or cause or procure to be loaden, put on board, or packed, in order to be loaded or put on board of any Ship or Vessel which shall be bound to some Port or Place in Parts beyond the Seas (except to *Ireland*), or shall lade, or cause or procure to be laden, on board any Boat or other Vessel, or shall bring, or cause to be brought, to any Quay, Wharf, or other Place, in order to be so laden or put on board any such Ship or Vessel, any Tool or Utensil hereafter mentioned; that is to say, Hand Stamps, Dog Head Stamps, Pulley Stamps, Stamps of all Sorts, Hammets and Anvils for Stamps, Screws for Stamps, Iron Rods for Stamps, Presses of all Sorts, in Iron,

Steel, or other Metal, which are used for giving Impressions to Metal, or any Parts of these several Articles; Presses of all Sorts called *Cutting-out Presses*, Beds and Punches to be used therewith; Piercing Presses of all Sorts, Beds and Punches to be used therewith, either in Parts or Pieces, or fitted together; Iron or Steel Dies to be used in Stamps or Presses either with or without Impressions on them; Rollers of Cast Iron, Wrought Iron, or Steel, for rolling of Metal, and Frames for the same; Flasks or Casting Moulds, and Boards used therewith; Lathes of all Sorts for turning, burnishing, polishing, either the Whole together, or separate Parts thereof; Lathe Strings, polishing Brushes, Scoring or Shading Engines, Presses for Horn Buttons, Dies for Horn Buttons, Sheers for cutting of Metal, Rolled Steel, Rolled Metal with Silver thereon, Parts of Buttons not fitted up into Buttons, or in an unfinished State; Engines for Chasing, Stocks for casting Buckles, Buttons, and Rings; Cast Iron Anvils and Hammers for Forging Mills for Iron and Copper; Roles, Slitters, Beds, Piliars and Frames for Slitting Mills; Die-sinking Tools of all Sorts, Engines for making Button Shanks, Laps of all Sorts, Drilling Engines, Tools for pinching of Glass, Engines for covering of Whips, Polishing Brushes, Bars of Metal covered with Gold or Silver, Iron or Steel Screw Plates, Pins, and Stocks for making Screws, or any other Tool or Utensil whatsoever, which now is, are, or at any Time or Times hereafter shall or may be used in, or proper for the preparing, working, finishing, or completing of the Iron or Steel Manufactures of this Kingdom, or either of them, by what Name or Names soever the same shall be called or known, or any Model or Plan, or Models or Plans, of any such Tool, Utensil, or Implement, or any Part or Parts thereof; on Penalty of Forfeiture of the Person or Persons so offending shall, for every such Offence, not only forfeit and lose all such Tools or Utensils, or Parts or Parcels thereof, together with the Packages, and all other Goods packed therewith, if any such there be, and Complaint being made, upon the Oath of one or more credible Witnesses or Witnesses, before any Justice or Justices of the Peace, it shall and may be lawful to and for such Justice or Justices of the Peace to issue his or their Warrant or Warrants to bring the Person or Persons so complained of before him or them, or some other of his Majesty's Justices of the Peace for the same County, City, Riding, Division, Liberty, Shire, Stewartry, or Place; and if, when such Person or Persons shall be brought before such Justice or Justices, he, she, or they shall not give fender shall not give a satisfactory Account of the Use or Purpose to which such Tools, Utensils, or Implements, and Part or Parts thereof, and all before the Magistrate, he shall be bound to appear at the next Assizes, &c.

such Model or Plan, Models or Plans, and Part or Parts thereof, are intended to be appropriated, as shall be satisfactory to appear at the next Assizes, &c.

brought as aforesaid, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to bind the Person or Persons so charged to appear at the next Assizes, General Gaol Delivery, or Quarter Sessions of the Peace, for the

No. 7. County, City, Riding, Division, Stewartry, or Place, where such Offence shall be committed, with reasonable Sureties for his, her, or their Appearance; and in case such Person or Persons shall refuse or neglect to give such Security, then, and in such Case, it shall and may be lawful to and for such Justice or Justices to commit the Person or Persons so refusing to the Common Gaol, or House of Correction, there to be kept until the next Assizes, or next Quarter Sessions of the County, City, Riding, Division, Shire, Stewartry, or Place, where such Commitment shall be, and until he, she, or they shall be delivered by due Course of Law: And in case any such Person or Persons shall be convicted of any of the Offences aforesaid, upon any Indictment or Information against him, her, or them, at such Assizes or Quarter Sessions of the Peace as aforesaid, the Person or Persons so offending shall, for every such Offence, forfeit the Sum of two hundred Pounds of lawful Money of *Great Britain*, and shall also suffer Imprisonment, in the Common Gaol, Prison, or House of Correction, of the County, City, Riding, Division, Liberty, Shire, Stewartry, or Place, wherein such Offender or Offenders shall be respectively convicted, for the Space of twelve Months, without Bail or Mainprize, and until such Forfeiture shall be paid.

Officers of the Customs to seize all such Tools, &c. laid or intended to be laid on board any outward bound Vessel;

such Goods to be sold.

Penalty on Masters of Vessels who shall permit any such Tools, &c. to be put on board.

II. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of *August* one thousand seven hundred and eighty-five, it shall and may be lawful to and for any Officer of his Majesty's Customs in *Great Britain*, and they are hereby required to seize and secure, in some or one of his Majesty's Watchhouses, all such Tools, Utensils, or Implements, or Part or Parts thereof; and all and every such Model or Plan, Models or Plans, or Part or Parts thereof, as such Officer shall find or discover to be laid or put on board, or intended to be laid or put on board, of any Ship, Vessel, or Boat, which shall be bound to some Port or Place in Parts beyond the Seas (except to *Ireland*), contrary to the true Intent and Meaning of this Act, together with the Packages, and all other Goods packed therewith (if any such there be), and they are hereby indemnified in so doing; and all Tools, Utensils, and Implements, or Part or Parts thereof, Model or Plan, Models or Plans, or Part or Parts thereof, together with the Packages, and other Goods packed therewith, so seized and secured as aforesaid, shall, after Condemnation thereof in due Course of Law, be publicly sold to the best Bidder, by Order of the Commissioners of the Customs in *Great Britain* respectively; and one Moiety of the Produce arising by the Sale thereof, after deducting the Charges in Condemnation and Sale, shall be to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Officer who shall seize and prosecute the same as aforesaid.

III. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of *August* one thousand seven hundred and eighty-five, if the Captain or Master of any Ship, Vessel, or Boat, in *Great Britain*, shall knowingly

or designedly permit or suffer any Tool, Utensil, or Implement, or Part or Parts thereof, or any Model or Plan, or Part or Parts thereof, by this Act prohibited to be exported as aforesaid, to be put on board his said Ship, Vessel, or Boat, every such Captain or Master shall, for every such Offence, forfeit the Sum of two hundred Pounds; and if the said Ship, Vessel, or Boat, shall belong to his Majesty, his Heirs or Successors, then the Captain or Master thereof shall not only forfeit the Sum of two hundred Pounds, but shall also forfeit his Employment, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

No. 7.
25 George III.
c. 67.

IV. And be it further enacted by the Authority aforesaid, That if any Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs in *Great Britain*, shall Entry Outtake, or knowingly or willingly suffer to be taken, any Entry wards, &c. for outward, or shall sign any Cocquet, Warrant, or Sufferance, for the shipping or exporting of any of the said Tools, Utensils, or Implements, or any Part or Parts thereof, or any of the said Models or Plans, or any Part or Parts thereof, by this Act prohibited to be exported, or shall knowingly or willingly permit, or suffer the same to be done, directly or indirectly, contrary to the true Intent and Meaning of this Act; every such Customer, Comptroller, Surveyor, Searcher, Waiter, or other Officer of the Customs of *Great Britain*, shall, for every such Offence, forfeit the Sum of two hundred Pounds, and shall also forfeit his Office, and be incapable of holding any Office or Employment under his Majesty, his Heirs or Successors.

V. And be it further enacted by the Authority aforesaid, That, from and after the said first Day of *August* one thousand seven hundred and eighty-five, if any Person or Persons hath or have in his, her, or their Custody, Power, or Possession, or shall collect, obtain, make, apply for, or cause or procure to be made, any such Tool, Utensil, or Implement, or any Part or Parts thereof, or any such Model or Plan, Models or Plans, or Part or Parts thereof as aforesaid, with Intent to export, or that the same may be exported out of *Great Britain* to any Part or Place beyond the Seas (except to *Ireland*), and Complaint being made, upon the Oath of one or more credible Witness or Witnesses, before any Justice or Justices of the Peace, that there is Reason to believe such Person or Persons hath or have in his, her, or their Custody, Power, or Possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such Tool, Utensil, or Implement, or Part or Parts thereof, or any such Model or Plan, or Models or Plans, or Part or Parts thereof as aforesaid, with Intent to export, or that the same may be exported to some other Port or Place than *Great Britain* or *Ireland*; then, and in any of the said Cases, it shall and may be lawful to and for the said Justice or Justices of the Peace to issue his or their Warrant or Warrants to seize all such Tools, Utensils, or Implements, or Part or Parts thereof, and all such Models or Plans, or Part or Parts thereof as aforesaid, and to bring the

No. 7. Person or Persons so complained of before him or them, or
 25 George III. some other of his Majesty's Justices of the Peace, for the same
 c. 67. County, City, Riding, Division, Shire, Stewartry, or Place; and if he shall
 not give a satisfactory Account of the Use or Purpose to which such Tools, Utensils, or Im-
 factory Account thereof, such Tools, &c. may thereof, is, are, or were intended to be appropriated, as shall
 be detained, and the Pos-
 sessor bound over to appear at the next Assizes,
 &c.
 or may be com-
 mitted.

Penalty in case of Conviction. Having in his, her, or their Custody, Power, or Possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such Tool, Utensil, or Implement, or Part or Parts thereof, Model or Plan, or Part or Parts thereof, with such Intent as aforesaid, then, and in such Case, the Person or Persons so convicted shall, for every such Offence, forfeit and lose all such Tools, Utensils, or Implements, or Part or Parts thereof, Models or Plans, or Part or Parts thereof, which shall be so seized and detained, and also the Sum of two hundred Pounds of lawful Money of Great Britain, and shall suffer Imprisonment in the Common Gaol of the County, City, Riding, Division, Shire, Stewartry, or Place, wherein such Offence or Offences respectively shall be committed, for the Space of twelve Months, without Bail or Mainprise, and until such Forfeiture shall be paid.

VI. And whereas, for the encouraging of such Manu-
 factories in this Kingdom, it is necessary that Provision should
 be made to prevent Artificers, and others employed therein,
 from departing; or from being seduced to depart out of this
 Kingdom; be it therefore further enacted by the Authority
 aforesaid, That from and after the said first Day of August one
 thousand seven hundred and eighty-five, if any Person or Persons shall contract with, entice, persuade, or endeavour to

**Penalty on Persons enti-
 cing Artificers
 in the Iron or
 Steel Manufac-**

seduce or encourage any Artificer or Workman concerned or employed, or who shall have worked at, or been employed in, the Iron or Steel Manufactures in this Kingdom, or in making or preparing any Tools or Utensils for such Manufactory, to go out of Great Britain to any Parts beyond the Seas (except to Ireland), and shall be convicted thereof, upon Indictment or Information in the Court of King's Bench at Westminster, or by Indictment at the Assizes, or General Gaol Delivery, or Quarter Sessions for the County or Place wherein such Offence shall be committed, or the Offender or Offenders shall live or reside, or by Indictment in the Court of Justiciary, or any of the Circuit Courts in Scotland, as the Case may be; every Person so convicted shall, for every Artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the Sum of five hundred Pounds of lawful Money of Great Britain, and shall be committed to the Common Gaol for the County, Place, or Stewartry wherein the Offender or Offenders shall be convicted, there to remain without Bail or Mainprize for the Space of twelve Calendar Months and until such Forfeiture shall be paid; and in Case of a subsequent Offence of the same Kind, the Person or Persons so again offending shall, upon the like Conviction, forfeit and pay, for every Person so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, the Sum of one thousand Pounds of lawful Money of Great Britain, and shall be committed to the Common Gaol as aforesaid, there to remain, without Bail or Mainprize, for and during the Term of two Years, and until such Forfeiture shall be paid.

VII. Provided always, that no Person shall be prosecuted for any of the Offences aforesaid, unless such Prosecution shall be commenced within the Space of twelve Calendar Months next after such Offence shall be committed.

VIII. And it is hereby further enacted by the Authority aforesaid, That the several Penalties and Forfeitures herein before mentioned, shall and may be sued for and recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster, or in the Court of Exchequer, or in the Court of Session, in Scotland, in the Name of his Majesty's Attorney General, or Lord Advocate, or in the Name of some Officer or Officers of the Customs in Great Britain respectively, wherein no Essoin, Protection, Privilege, Wager of Law, or more than one Imparlace, shall be allowed; and that one Moiety of the said Penalties and Forfeitures shall go and be applied to the Use of his Majesty, his Heirs and Successors, and the other Moiety to the Use of such Officer or Officers of the Customs as shall sue and prosecute for the same respectively, after deducting the Charges of Prosecution from the Whole.

IX. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced against any Person for what he shall do in pursuance of this Act, such Suit or Action shall be commenced within three Months next

No. 7.
25 George III. c. 67.
General Issue.
Treble Costs.

after the Fact committed; and the Person so sued may file common Bail, or enter a common Appearance, and plead the General Issue Not guilty, and may give this Act and the Special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit, or suffer Discontinuance, or if a Verdict pass against him or her, or if, upon Demurrer, Judgement shall be given against the Plaintiff, the Defendant shall recover Treble Costs.

No. 8.

26 George III. c. 89.—An Act to explain, amend, and extend to other Tools and Utensils, an Act, made in the twenty-fifth Year of the Reign of his present Majesty, intituled, “An Act to prohibit the Exportation to foreign Parts of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom; and to prevent the seducing of Artificers or Workmen, employed in those Manufactures, to go into Parts beyond the Seas.

No. 8.
26 George III. c. 89.
Preamble reciting 25 Geo. 3d. c. 67.

WHÈREAS by an Act, passed in the last Session of Parliament, intituled, “An Act to prohibit the Exportation to foreign Parts of Tools and Utensils made use of in the Iron and Steel Manufactures of this Kingdom; and to prevent the seducing of Artificers or Workmen employed in those Manufactures, to go into Parts beyond the Seas,” it was, amongst other Things enacted, That if any Person or Persons in Great Britain should, upon any Pretence whatever, export, load, or put on board, or pack, or cause or procure to be laden, put on board, or packed, in order to be laden or put on board of any Ship or Vessel which should be bound to some Port or Place in Parts beyond the Seas (except to Ireland); or should lade, or cause or procure to be laden, on board any Boat or other Vessel, or should bring, or cause to be brought, to any Quay, Wharf, or other Place, in order to be so laden or put on board any such Ship or Vessel, any Tool or Utensil therein particularly mentioned, or any other Tool or Utensil whatever, which then were, or at any Time or Times thereafter should or might be used in, or proper for the preparing, working, finishing, or completing of the Iron or Steel Manufactures of this Kingdom, or either of them, by what Name or Names soever the same should be called or known; or any Model or Plan, or Models or Plans, of any such Tool, Utensil, or Implement, or any Part or Parts therof; the Person or Persons so offending should, for every such Offence, forfeit and lose all such Tools or Utensils, or Parts or Parcels thereof, together with the Packages, and all other Goods packed therewith: And whereas the general Prohibition of the Exportation of Tools

' and Utensils made use of in the Iron and Steel Manufactures No. 8.
 ' of this Kingdom may be productive of Inconvenience ;' be 26 George III.
 it therefore enacted by the King's most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assem-
 bled, and by the Authority of the same, That, from and after From July 1st,
 the tenth Day of July one thousand seven hundred and eighty-six, such Tools
 used in the Iron and Steel Ma-
 nufactures, &c;
 six, it shall and may be lawful to export from Great Britain to
 the British Islands in the West Indies, or to any other foreign
 Part or Place whatever, any Tools or Utensils made use of in as might have
 been before
 the Iron or Steel Manufactures of this Kingdom, which might have
 been legally exported before the passing of the before- passing recited
 recited Act (except the several Articles herein after particu- Act, except the
 larly enumerated; that is to say, Rollers, either plain, groov- Articles herein
 ed, or of any other Form or Denomination, of cast Iron,
 wrought Iron, or Steel, for the rolling of Iron, or any Sort of
 Metals, and Frames, Beds, Pillars, Screws, Pinions, and
 each and every Implement, Tool, or Utensil thereunto be-
 longing; Rollers, Slitters, Frames, Beds, Pillars, and Screws,
 for Slitting Mills; Presses of all Sorts in Iron, Steel, or other
 Metals, which are used with a Screw exceeding one Inch and
 an Half in Diameter; or any Parts of these several Articles,
 or any Model or Models of any of the before mentioned
 Utensils, Implements and Machines, or any Part or Parts
 thereof; and all Sorts of Utensils, Engines, or Machines used
 in the casting or boring of Cannon, or any Sort of Artillery,
 or any Parts thereof, or any Model or Models of Tools, Utensils,
 Engines, or Machines used in casting or boring of Cannon,
 or any Sort of Artillery, or any Parts thereof; Hand-stamps,
 Dog-head Stamps, Pulley Stamps, Hammers and Anvils for
 Stamps, Presses of all Sorts called Cutting-out Presses, Beds
 and Punches to be used therewith; Piercing Presses of all
 Sorts, Beds and Punches to be used therewith, either in Parts
 or Pieces, or fitted together; Scoring or Shading Engines,
 Presses for Horn Buttons, Dies for Horn Buttons, Rolled
 Metal with Silver thereon, Parts of Buttons not fitted up into
 Buttons, or in an unfinished State; Engines for Chasing,
 Stocks for casting Buckles, Buttons and Rings; Die-sinking
 Tools of all Sorts, Engines for making Button Shanks, Laps of
 all Sorts, Tools for pinching of Glass, Engines for covering of
 Whips, Bars of Metal covered with Gold or Silver, Burnishing
 Stones, commonly called Blood Stones, either in the rough State
 or finished for Use; any Thing in the said recited Act to the
 contrary in any wise notwithstanding.

II. And be it further enacted by the Authority aforesaid, No Person to
 That, from and after the tenth day of July, one thousand have in Posse-
 seven hundred and eighty-six, it shall not be lawful for any sion, with In-
 Person or Persons, in the Kingdom of Great Britain, to export tent to export
 to Parts beyond the Seas (except to Ireland); or to have in his (except to Ire-
 or their Possession, with the Intent so to export, any of the land), any of the
 Tools and Utensils hereinafter mentioned; that is to say, Articles herein
 Wire Moulds for making Paper; Wheels made of Metal, specified.

No. 8.
26 George III. c. 89.
Stone, or Wood, for cutting, roughing, smoothing, polishing, and engraving Glass; Purcellas, Pincers, Sheers and Pipes, used in blowing Glass; Potters Wheels and Potters Lathes for plain, round, and for Engine-turning Tools, used by Saddlers, Harness Makers, and Bridle-makers, namely, Cantele-strainers, Side-strainers, Point-strainers, Creasing-irons, Screw-creasers, Wheel-irons, Seat-irons, Pricking-irons, Bolstering-irons, Claws, Head-knives; and that the said-recited Act, so far as the same concerns the Exporters or Possessors of the Tools and Utensils therein enumerated or described, shall extend, or be construed to extend, to all and every the Exporters or Possessors of the Tools and Utensils herein enumerated or described, as fully, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act,

Recited Act so far as relates to Exporters of Articles therein enumerated, to extend to Exporters of Articles specified in this Act.

Continuance of this Act.

III. And be it further enacted, That this Act shall continue in Force until the End of the next Session of Parliament, and no longer. [Made perpetual, after intermediate Continuances, by 35 Geo. 3. c. 38.]

PART V. CLASS XX.

OFFENCES RESPECTING ELECTIONS OF MEMBERS OF PARLIAMENT.

No. 1.

5 William and Mary, c. 20.—An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of fifteen hundred thousand Pounds towards the carrying on the War against France.

p.

XLVIII. AND to the End the great Duties of Excise, and the Powers given for the collecting and levying the same, may not be employed for the influencing of Elections of Members to serve in Parliament, which Elections, by the Constitution of this Government, ought to be free and uncorrupt; be it enacted by the Authority aforesaid, That from and after the first Day of May, in the Year of our Lord one thousand six hundred ninety-four, no Collector, Supervisor, Gauger, or other Officer or Person whatsoever, concerned or employed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or Part thereof, shall by Word, Message, or Writing, or in any other Manner whatsoever, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron of any County, City, Borough, or Cinque Port to serve in Parliament; and every Officer or other Person offending therein, shall forfeit the Sum of one hundred Pounds, one Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaintiff, or Information, in any of their Majesties Courts of Record at Westminster, in which no Essoin, Protection,

No. 1.

5 William and Mary, c. 20.
Officers in the
Excise not to
persuade in
Choice of
Members.

Penalty.

No. 1. Privilege or Wager of Law, or more than one Impariment, & William and Mary, c. 20. shall be allowed ; and every Person convict on any such Suit of the said Offence, shall thereby become disabled and incapable of ever bearing or executing any Office or Place concerning or relating to the Duty of Excise, or any other Office or Place of Trust whatsoever under their Majesties, their Heirs or Successors.

No. 2.

7 and 8 William III. c. 4. — An Act for preventing Charge and Expence in Elections of Members to serve in Parliament.

No. 2.
7 and 8
William III.
c. 4.

Candidates after
the Teste of
the Writ, &c.
giving or pro-
mising any Pre-
sent or Reward
to any Person
having Vote,
for being so
elected ;

WHEREAS grievous Complaints are made, and manifestly appear to be true, in the Kingdom, of undue Elections of Members to Parliament, by excessive and exorbitant Expences; contrary to the Laws, and in Violation of the Freedom due to the Election of Representatives for the Commons of *England* in Parliament, to the great Scandal of the Kingdom, dishonourable, and may be destructive to the Constitution of Parliaments: Wherefore, for Remedy therein, and that all Elections of Members to Parliament may be hereafter freely and indifferently made, without Charge or Expence; be it enacted and declared by our Sovereign Lord the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons hereafter to be elected to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, after the Teste of the Writ of Summons to Parliament, or after the Teste or the issuing out or ordering of the Writ or Writs of Election upon the calling or summoning of any Parliament hereafter, or after any such Place becomes vacant hereafter in the Time of this present or of any other Parliament, shall or do hereafter, by himself or themselves, or by any other Ways or Means on his or their Behalf, or at his or their Charge, before his or their Election to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, directly or indirectly give, present, or allow to any Person or Persons, having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment, or Provision, or make any Present, Gift, Reward, or Entertainment, or shall, at any Time hereafter, make any Promise, Agreement, Obligation, or Engagement, to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment, to or for any such Person or Persons in particular, or to any such County, City, Town, Borough, Port, or Place in general, or to or for

the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, Place or Places, in order to be elected, or for being elected, to serve in Parliament for such County, City, Borough, Town, Port or Place. (1.)

No. 2.
7 and 8
William III.,
c. 4.

II. And it is hereby further enacted and declared, That every Person and Persons so giving, presenting or allowing, incapable to making, promising or engaging, doing, acting or proceeding, shall be and are hereby declared and enacted, disabled and incapacitated, upon such Election, to serve in Parliament for such County, City, Town, Borough, Port or Place; and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be debarred and taken, no Members in Parliament, and shall not act, sit, or have any Vote, or Place in Parliament, but shall be and are hereby declared and enacted to be to all Intents, Constructions and Purposes, as if they had been never returned or elected Members for the Parliament. [See 2 Geo. 2. cap. 24, which provides that Persons taking Money, &c. shall forfeit 500*l.* and be disabled to vote, &c. and which Act is extended to Election of Delegates in Scotland by 16 Geo. 2. c. 113.]

p.

No. 3.

12 and 13 William III. c. 10. — An Act for granting an Aid to his Majesty for defraying the Expence of his Navy, Guards, and Garrisons for one Year, and for other necessary Occasions.

XCI. AND be it further enacted by the Authority aforesaid, That from and after the nine and twentieth Day of September, one thousand seven hundred and one, no Commissioner, Collector, Comptroller, Searcher, or other Officer or Person whatsoever, concerned or employed in the charging, collecting, levying or managing the Customs, or any Branch or Part thereof, shall by Word, Message, or Writing, or in any other Manner whatsoever, endeavour to perswade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron, of any County, City, Borough, or Cinque Port to serve in Parliament; and every Officer, or other Person offending therein shall forfeit the Sum of one hundred Pounds; one Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Protection, or Wager of Law, or more than one Impariment shall be allowed; and every Person convicted on any such Suit, of the said Offence, shall thereby be-

No. 3.
12 and 13
William III.
No Officer of
the Customs to
influence any
Election of
Members.

Penalty.

(1.) An Innkeeper cannot recover against a Candidate for Provisions supplied to Electors contrary to this Act; *Ribbands v. Crickell*, 1 B. and P. 263.

No. 3.
^{12 and 13.}
 William III.
^{c. 10.} come disabled and incapable of ever bearing or executing any Office or Place concerning or relating to the Customs, or any other Office or Place of Trust whatsoever under his Majesty, his Heirs or Successors.

No. 4.

D. 10 Anne, c. 19.—An Act for laying several Duties upon all Sope and Paper made in *Great Britain*, or imported into the same; and upon chequered and striped Linens imported, and upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted, or stained; and upon several Kinds of stamp'd Vellum, Parchment, and Paper, and upon certain printed Papers, Pamphlets, and Advertisements; for raising the Sum of eighteen hundred thousand Pounds by Way of Lottery towards her Majesty's Supply; and for licensing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better securing her Majesties Duties to arise in the Office for the Stamp'd Duties by Licences for Marriages and otherwise; and for Relief of Persons who have not claimed their Lottery Tickets in due Time, or have lost Exchequer Bills, or Lottery Tickets; and for borrowing Money upon Stock (Part of the Capital of the *South Sea Company*) for the Use of the Publick.

No. 4.
 to Anne,
 c. 19.
 The Commissioners and Officers appointed by this Act, not to intermeddle with Elections.

CLXXXII. AND be it further enacted by the Authority aforesaid, That no Commissioner, Officer, or other Person concerned or employed in the charging, collecting, receiving, or managing any of the Duties granted by this Act, shall, by Word, Message, or Writing, or in any other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for his Choice of any Person to be Knight of the Shire, Commissioner, Citizen, Burgess, or Baron for any County, City, Borough, or Cinque Port; and every Officer or other Person offending therein, shall forfeit the Sum of one hundred Pounds; one Moiety thereof to the Informer, the other Moiety thereof to the Use of the Poor of the Parish or Place where such Offence shall be committed; to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaintiff, or Information, in any of her Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in that Part of *Great Britain* called *Scotland*, in which no Essoin, Protection, Privilége, or Wager of Law, or more than one Impariment, shall be allowed; and every Person convicted on any such Suit shall thereby become disabled, and incapable of ever bearing or executing any Office or Place of Trust whatsoever, under her Majesty, her Heirs and Successors.

No. 5.

2 George II. c. 24.—An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament.

WHÈREAS it is found by Experience, that the Laws already in being have not been sufficient to prevent corrupt and illegal Practices in the Election of Members to serve in Parliament; For Remedy therefore of so great an Evil, and to the End that all Elections of Members to Parliament may hereafter be freely and indifferently made, without Charge or Expence, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twenty-fourth Day of June in the Year of our Lord one thousand seven hundred and twenty-nine, upon every Election of any Member or Members to serve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgess or Person having or claiming to have a Right to vote or be polled at such Election, shall, before he is admitted to poll at the same Election, take the following Oath (or, being one of the People called Quakers, shall make the solemn Affirmation appointed for Quakers) in case the same shall be demanded by either of the Candidates, or of any two of the Electors; that is to say,

I A. B. do swear, (or, being one of the People called Quakers, I A. B. do solemnly affirm) I have not received, or had by my Self, or any Person whatsoever in Trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, or any Promise or Security for any Money, Office, Employment or Gift, in order to give my Vote at this Election, and that I have not been before polled at this Election.

Which Oath or Affirmation the Officer or Officers presiding or taking the Poll at such Election, is and are hereby empowered and required to administer gratis, if demanded, as aforesaid, upon Pain to forfeit the Sum of fifty Pounds of lawful Money of Great Britain, to any Person that shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaintiff or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, Wager of Law, or more than one Imparllance, shall be admitted or allowed; and if the said Offence shall be committed in that Part of Great Britain called Scotland, then to be recovered, together with full Costs of Suit, by summary Action or Complaint before the Court of Session, or by Prosecution before the Court of Justiciary there, for every Neglect or Refusal so to do; and no Person shall be admitted to poll, till he has

No. 5.
2 George II.
c. 24.

Extended to
Elections of De-
legates in Scot-
land by 16 Geo.
2. c. 11.

No. 5. taken and repeated the said Oath in publick Manner, in case
2 George II. the same shall be demanded as aforesaid, before the returning
c. 24. Officer or such others as shall be legally deputed by him.

Sheriff or other
returning Offi-
cer admitting
any to be polled,
before sworn, to
forfeit 190l.

Voters to incur
the like Penal-
ty.

• Returning Offi-
cer after read-
ing the Writ, to
take the follow-
ing Oath.

II. And be it further enacted, That if any Sheriff, Mayor, Bailiff or other returning Officer shall admit any Person to be polled without taking such Oath or Affirmation, if demanded as aforesaid, such returning Officer shall forfeit the Sum of one hundred Pounds, to be recovered in Manner aforesaid, together with full Costs of Suit; and that if any Person shall vote or poll at such Election without having first taken the Oath, or, if a Quaker, having made his Affirmation as aforesaid, if demanded, such Person shall incur the same Penalty, which the Officer is subject to for the Offence above mentioned.

III. And be it further enacted by the Authority aforesaid, That every Sheriff, Mayor, Bailiff, Headborough or other Person, being the returning Officer of any Member to serve in Parliament, shall, immediately after the reading the Writ or Precept for the Election of such Member, take and subscribe the following Oath, *videlicet*,

I A. B. do solemnly swear, That I have not, directly or indirectly, received any Sum or Sunis of Money, Office, Place or Employment, Gratuity or Reward, or any Bond, Bill or Note, or any Promise or Gratuity whatsoever, either by my Self, or any other Person to my Use, or Benefit or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return such Person or Persons as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes.'

Which Oath any Justice or Justices of the Peace of the said County; City, Corporation or Borough where such Election shall be made, or, in his or their Absence, any three of the Electors are hereby required and authorized to administer; and such Oath, so taken, shall be entred among the Records of the Sessions of such County, City, Corporation and Borough as aforesaid.

What Votes
shall be deemed
legal.

IV. And be it enacted by the Authority aforesaid, That such Votes shall be deemed to be legal, which have been so declared by the last Determination in the House of Commons; which last Determination concerning any County, Shire, City, Borough, Cinque Port or Place, shall be final to all Intents and Purposes whatsoever, any Usage to the contrary notwithstanding.

Penalty of wil-
ful Perjury.

V. And be it further enacted by the Authority aforesaid, That if any returning Officer, Elector or Person taking the Oath or Affirmation herein before mentioned, shall be guilty of wilful and corrupt Perjury, or of false Affirming, and be thereof convicted by due Course of Law, shall incur and suffer the Pains and Penalties, which by Law are enacted or inflicted in Cases of wilful and corrupt Perjury.

VI. And be it further enacted by the Authority aforesaid, That no Person convicted of wilful and corrupt Perjury, or Subornation of Perjury, shall, after such Conviction, be capable of voting in any Election of any Member or Members to serve in Parliament.

No. 5.
2 George II.
c. 24.

Persons con-
victed never
capable to vote.

VII. And be it further enacted by the Authority aforesaid, That if any Person who hath, or claimeth to have, or hereafter shall have, or claim to have any Right to vote in any such Election, shall, from and after the said twenty-fourth Day feit 3001, and of June which shall be in the Year of our Lord one thousand seven hundred and twenty-nine, ask, receive or take any Money or other Reward (1.) by way of Gift, Loan or other Device, or agree or contract for any Money, Gilt, Office, Employment or other Reward whatsoever, to give his Vote, (2:) or to refuse or forbear to give his Vote in any such Election, or if any Person by himself, or any Person employed by him, doth or shall, by any Gift or Reward, or by any Promise, Agreement, or Security for any Gilt or Reward, corrupt or procure any Person or Persons to give his or their Vote or Votes, or to forbear to give his or their Vote or Votes in any such Election, such Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of five hundred Pounds of lawful Money of Great Britain, to be recovered as before directed, together with full Costs of Suit; and every Person offending in any of the Cases aforesaid, from and after Judgment obtained against him in any such Action of Debt, Bill, Plaintiff or Information, or summary Action or Prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of any Member or Members to Parliament, and also shall for ever be disabled to hold, exercise or enjoy any Office or Franchise to which he and they then shall or at any Time afterwards may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque Port, as if such Person was naturally dead. (3.)

(1.) The Declaration must specify what in particular was received; a *Gift or Reward* is not sufficient; *Davy v. Baker*, 4 Bur. 2471.

(2.) A Person who has given another Money for his Vote, shall not be admitted to say that such other had no Right to vote. The Declaration was for endeavouring to bribe for A and B; the Proof was of offering a Bribe to vote for A and his Friend, and ruled sufficient; *Combe v. Pitt*, 3 Bur. 1687. The Penalty is incurred although the Party votes against the Candidate for whom the Bribe is given; *Salston v. Norton*, 3 Bur. 1235. The Bribe may be charged as a *Gift*, notwithstanding there being a Note and Counter-note, which is mere Evasion, Colour, Disguise, and Device; *S. C.*

(3.) Bribery in parliamentary Elections was an Offence at Common Law, and the Penalty imposed by this Statute is cumulative to the Common Law Punishment. The Court, in awarding Punishment, will take into Consideration the Liability under the Statute, and will not, in general, grant an Information until the Time of commencing an Action on the Statute has expired; *Rex v. Pitt and Mead*, 3 Bur. 1335; 1 Bl. Rep. 380. In *Rex v. Heyden*, 3 Bur. 1359, the Court adjourned passing Sentence on an Information until the Time for suing on the Statute had expired; and see *S. C.* 3 Bur. 1987.

No. 5.
2 George II.
c. 24.
Offenders dis-
covering others,
indemnified.

The Act to be
read by the She-
riff, &c., after
reading the
Writ,

and at the Quar-
ter Sessions
after Easter.

Wilful Offence
forfeits £50.

Prosecution to
commence
within two
Years.

VIII. And be it further enacted by the Authority aforesaid, That if any Person offending against this Act shall, within the Space of twelve Months next after such Election as aforesaid, discover any other Person or Persons offending against this Act, so that such Person or Persons so discovered be thereupon convicted, such Person so discovering, and not having been before that Time convicted of any Offence against this Act, shall be indemnified, and discharged from all Penalties and Disabilities which he shall then have incurred by any Offence against this Act. (4.)

IX. And for the more effectual Observance of this Act, be it enacted, That all and every the Sheriffs, Mayors, Bailiffs, and other Officers, to whom the Execution of any Writ or Precept for electing any Member or Members to serve in Parliament shall belong or appertain, shall and are hereby required, at the Time of such Election, immediately after the reading such Writ or Precept, read or cause to be read openly before the Electors there assembled, this present Act, and every Clause therein contained; and the same shall also openly be read once in every Year at the General Quarter-Sessions of the Peace to be holden next after Easter, for any County or City, and at every Election of the Chief Magistrate in any Borough, Town Corporate or Cinque Port, and at the annual Election of Magistrates and Town Counsellors for every Borough within that Part of Great Britain called Scotland.

X. And be it further enacted by the Authority aforesaid, That every Sheriff, Under-Sheriff, Mayor, Bailiff and other Officer, to whom the Execution of any Writ or Precept for the electing of Members to serve in Parliament doth belong, for every wilful Offence, contrary to this Act, shall forfeit the Sum of fifty Pounds, to be recovered, together with full Costs of Suit, in the Manner before directed.

XI. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That no Person shall be made liable to any Incapacity, Disability, Forfeiture or Penalty by this Act laid or imposed, unless Prosecution be commenced within two Years after such Incapacity, Disability, Forfeiture or Penalty shall be incurred, or in case of a Prosecution the same be carried on without wilful Delay, (5.) any Thing herein contained to the contrary notwithstanding.

(4.) See Sibley v. Cuming, 4 Bur. 2465; Curgenvan v. Cuming, 4 Bur. 2504; Pugh v. Curgenvan, 3 Wils. 35; and the "Cricklade Case," 8vo. 1785.

(5.) See Petrie v. White, 3 T. R. 5.

No. 6.

18. George II. c. 18.—An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that Part of Great Britain called England.

p.

V. AND be it further enacted by the Authority aforesaid, No. 6.
 That from and after the said twenty-fourth Day of 18 George II. June one thousand seven hundred and forty-five, no Person shall vote in any such Election, without having a Freehold Estate in the County for which he votes, of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of or in respect of the same, or without having been in the actual Possession, or in Receipt of the Rents and Profits thereof, for his own Use, above twelve Kalendar Months, unless the same came to him within the Time aforesaid, by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice in a Church, or by Promotion to an Office, or shall vote in Respect or in Right of any Freehold Estate, which was made or granted to him fraudulently, on Purpose to qualify him to give his Vote, or shall vote more than once at the same Election: And if any Person shall vote in any such Election, contrary to the true Intent and Meaning hereof, he shall forfeit to any Candidate for whom such Vote shall not have been given, and who shall first sue for the same, the Sum of forty Pounds, to be recovered by him or them, his Executors or Administrators, together with full Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, Privilege or Imparlane shall be admitted or allowed; and in every such Action, the Proof shall lie on such Person against whom the same was brought, unless the Fact on which such Action is grounded, be the having polled more than once at the same Election.

Penalty of 40l.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be sufficient for the Plaintiff, in any Action of Debt given by this Act, to set forth in the Declaration or Bill, that the Defendant is indebted to him, in the Sum of and to alledge the particular Offence for which the Action or Suit is brought; and that the Defendant hath acted contrary to this Act, without mentioning the Writ of Summons to Parliament, or the Return thereof; and it shall be sufficient in any Indictment or Information, for any Offence committed contrary to this Act, to alledge the particular Offence charged upon the Defendant; and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament, or the Return thereof; and upon Trial of any Issue in any such Action, Suit, Indictment or Information, the Plaintiff, Prosecutor or Informer, shall not be obliged to prove the Writ of Summons to Parliament, or the

The Manner of proceeding in
case of Offence
against this Act.

No. 6. Return thereof, or any Warrant or Authority to the Sheriff, 18 George II. c. 18. grounded upon any such Writ of Summons.

Limitation of Actions.

XIV. Provided always, That every Action, Suit, Indictment or Information given by this Act, shall be commenced within the Space of nine Kalendar Months after the Fact, upon which the same is grounded, shall have been committed.

Statutes of Jeofails, &c. extended to Proceedings on this Act.

XV. And be it further enacted by the Authority aforesaid, That all the Statutes of Jeofails and Amendments of the Law whatsoever, shall and may be construed to extend to all Proceedings in any Action, Suit, Indictment or Information, given or allowed by this Act, or which shall be brought in pursuance thereof.

XVI. Provided always, and be it further enacted by the Authority aforesaid, That in case the Plaintiff or Informer, in any Action, Suit, Indictment or Information, given by this Act, shall discontinue the same, or be nonsuited, or Judgment be otherwise given against him; then and in any of the said Cases, the Defendant against whom such Action, Suit, or Information shall have been brought, shall recover his Treble Costs.

Treble Costs.

No. 7.

D.

19 George II. c. 28.—An Act for the better regulating of Elections of Members to serve in Parliament, for such Cities and Towns in that Part of Great Britain called England, as are Counties of themselves.

No. 7.
19 George II.
c. 28.

Persons voting, to have a Freehold Estate of forty Shillings, &c.

and to be in Possession above twelve Months. Exception.

Penalty of fraudulent Qualification, &c.

IV. AND be it further enacted by the Authority aforesaid, That from and after the said twenty-fourth Day of June one thousand seven hundred and forty-six, no Person shall vote in such Election of a Member or Members to serve in Parliament for any City or Town, being a County of itself, and in which Persons have a Right to vote for such Members, for and in respect of Lands, Tenements or Hereditaments, of the yearly Value of forty Shillings, unless such Persons shall have a Freehold Estate in the City and County, or Town and County for which he votes, of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of or in respect of the same, and shall have been in the actual Possession, or in Receipt of the Rents and Profits thereof for his own Use, above twelve Calendar Months, except the same came to him within the Time aforesaid by Descent, Marriage, Marriage Settlement, Devise or Promotion to any Benefice in a Church, or by Promotion to an Office; and no Person shall vote in Respect or in Right of any Freehold Estate which was made or granted to him fraudulently, on purpose to qualify him to give his Vote, or shall vote more than once at the same Election; and if any Person shall vote in any such Election contrary to the true Intent and Meaning

hereof, he shall forfeit to any Candidate for whom such Vote shall not have been given, and who shall first sue for the same, the Sum of forty Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, Wager of Law, Privilege or Imparlane shal be admitted or allowed; and in every such Action the Proof shall lie on such Person The Proof against whom the same was brought, unless the Fact on which where to lie, &c. such Action is grounded be, the having polled more than once at the same Election.

V. And be it declared by the Authority aforesaid, That Taxes not no Publick or Parliamentary Tax, Church or Parish Rate or within this Act, Duty, or any other Tax, Rate or Assessment whatsoever, to be assessed or levied within such Cities or Towns, being Counties of themselves as aforesaid, is or shall be deemed or construed to be any Charge payable out of or in respect of any Freehold Estate within the Meaning and Intention of this Act, or of the Oath or solemn Affirmation herein before directed to be administered to and taken by every Freeholder, if required, as aforesaid.

IX. And be it further enacted by the Authority aforesaid, Plaintiffs how That it shall and may be sufficient for the Plaintiff, in any to proceed. Action of Debt given by this Act, to set forth in the Declaration or Bill, that the Defendant is indebted to him in the Sum of and to alledge the particular Offence for which the Action or Suit is brought, and that the Defendant hath acted contrary to this Act, without mentioning the Writ of Summons to Parliament, or the Return thereof; and it shall be sufficient in any Indictment or Information for any Offence committed contrary to this Act, to alledge the particular Offence charged upon the Defendant, and that the Defendant is guilty thereof, without mentioning the Writ of Summons to Parliament, or the Return thereof; and upon Trial of any Issue in any such Action, Suit, Indictment or Information, the Plaintiff, Prosecutor or Informer shall not be obliged to prove the Writ of Summons to Parliament, or the Return thereof, or any Warrant or Authority to the Sheriff or Sheriffs, grounded upon any such Writ of Summons.

X. Provided always, That every Action, Suit, Indict- Suits to be com- mended or Information given by this Act, shall be commenced within nine months, within the Space of nine Calendar Months after the Fact upon which the same is grounded shall have been committed.

XI. And be it further enacted by the Authority aforesaid, Statutes of Jeo- That all the Statutes of Jeofails, and Amendments of the Law such Proceed- whatsoever, shall and may be construed to extend to all Pro- ceedings in any Action, Suit, Indictment or Information given or allowed by this Act, or which shall be brought in pursuance thereof.

XII. Provided always, and be it further enacted by the Plaintiff discon- Authority aforesaid, That in case the Plaintiff or Informer, in tinging, &c. any Action, Suit, Indictment or Information given by this Act, shall pay triple Costs,

No. 7.
19 George II.
c. 28.
shall discontinue the same, or be nonsuited, or Judgment be otherwise given against him; then and in any of the said Cases, the Defendant against whom such Action, Suit or Information shall have been brought, shall recover his treble Costs.

Limitation of
this Act.

XIII. Provided always, and be it enacted by the Authority aforesaid, That this Act, or any thing therein contained (other than and except such Clauses and Provisions as are by this Act made for or concerning allowing Cheque Books, or for or concerning Notice to be given of the Time and Place of Election, and proceeding to Election thereupon) shall not extend, or be construed to extend, to any City or Town, being a County of itself, or to any Person or Persons, where the Right of voting for any Member or Members of any such City or Town is for or in respect of Burgage Tenure, or where the Right of voting for such Member or Members, for or in respect of a Freehold, does not require the same to be of the yearly Value of forty Shillings.

No. 8.

No. 8.
George III.
c. 15.
An Act to prevent Occasional
Freemen from Voting at Elections of Members to
serve in Parliament for Cities and Boroughs.*

Preamble.

None to vote as
Freemen, at
Election of
Members, but
such as have
been admitted
to their Free-
dom 12 Months
before such
Election, on
Penalty of 100L.

WHEREAS great Abuses have been committed in making Freemen of Corporations, in order to influence Elections of Members to serve in Parliament, to the great Infringement of the Rights of Freemen of such Corporations, and of the Freedom of Elections: To prevent such Practices for the future; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by Authority of the same, That from and after the first Day of *May* one thousand seven hundred and sixty-three, no Person whatsoever claiming as a Freeman (1.) to vote at any Election of Members to serve in Parliament for any City, Town, Port or Borough in *England*, *Wales*, and the Town of *Berwick upon Tweed*, where such Voter's Right of voting is as a Freeman only, (2.) shall be admitted to give his Vote at such Election, unless such Person shall have been admitted to the Freedom of such City, Town, Port or Borough, twelve Calendar Months before the first Day of such Election: And if any Person shall presume to give his Vote as a Freeman at any

* Usually called the Durham Act.

(1.) A Person voting as a *Burgess* is within the Act; *Williams v. Evans*, 8 T. R. 246.

(2.) In an Action on this Statute it must be averred, that the Defendant had no other Right than as a Freeman: an Allegation that he *claimed* no other Right is not sufficient; *Daman v Mairrett*, 1 Taunt, 129.

Election of Members to serve in Parliament, contrary to the true Intent and Meaning of this Act, he shall for every such Offence forfeit and pay the Sum of one hundred Pounds to him, her or them who shall inform and sue for the same; and the Vote given by such Person shall be void and of no Effect.

George III.
c. 15.

II. Provided always, That nothing herein contained shall Persons intitled extend, or be construed to extend to any Person intitled to his to their Freedom by Birth, Marriage, or Servitude, according to the Freedom by Birth, Marriage or Servitude, according to the Custom or Usage of such City, Town, Port or Borough.

III. And be it further enacted by the Authority aforesaid, That if any Mayor, Bailiff, Sheriff, Town Clerk, or other Officer of any Corporation, or other Person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any Admission of any Freeman, such Mayor, Bailiff, Sheriff, Town Clerk, Officer, or other Person, shall for every such Offence, forfeit and pay the Sum of five hundred Pounds to him, her or them who shall inform and sue for the same.

IV. And be it further enacted by the Authority aforesaid, That the Mayor, Bailiff, Sheriff, Town Clerk, or other Officer of any Corporation, having the Custody of, or Power over the Records of the same, shall upon the Demand of any Candidate, or his Agent, or any two Freemen, on the Payment of one Shilling, permit such Candidate, Agent, or Freemen, between the Hours of nine in the Morning and three in the Afternoon, at any Time before, and within one Month after any such Election as aforesaid, to inspect the Books and Papers wherein the Admission of Freemen shall be entered; and to have Copies or Minutes of the Admission of so many Freemen as such Candidate, Agent, or Freemen shall think fit, upon paying to such Mayor, Bailiff, Sheriff, Town Clerk, or other Officer, a reasonable Charge for writing the same; and such Books and Papers shall, if demanded by such Candidate, Agent, or Freemen, be produced by such Mayor, Bailiff, Sheriff, Town Clerk, or other Officer, at every Election, and be referred to, in case any Dispute shall arise touching the Right and Copies and of any Person to give his Vote thereat: And if such Mayor, Bailiff, Sheriff, Town Clerk, or other Officer, shall refuse or deny such Candidate, Agent or Freemen the Inspection of writing the such Books and Papers, or to have Copies or Minutes thereof, same; and the or shall refuse or neglect to produce such Books and Papers at the Manner herein demanded, at any Election, if demanded and paid the same, the Officer, shall for every such Offence forfeit and pay the Sum of one hundred Pounds to him, her or them who shall inform and sue for the same.

V. And be it further enacted by the Authority aforesaid, That all Forfeitures or Penalties laid or imposed by this Act may be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at Westminster; wherein no Essoin, Protection, Wager of Law, or more than one Impariment shall be allowed.

No. 9.
3 George III. c. 15.
provided the Prosecution be commenced within a Year.
This Act to be openly read by the Returning Officer, at all Elections by Free-men, immediately after
Act 2 Geo. 2. c. 24.

This Act not to extend to London or Norwich.

VI. Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Person shall be liable to any Forfeiture or Penalty by this Act laid or imposed, unless Prosecution be commenced within one Year after such Forfeiture or Penalty shall be incurred.

VII. And be it further enacted by the Authority aforesaid, That the Returning Officer shall read or cause to be read openly this Act, at the Time of Election of Members to serve in Parliament for Cities, Towns, Ports, or Boroughs where the Right of Election is in the Whole, or in Part, in Free-men as aforesaid, immediately after the reading of the Act passed in the second Year of his late Majesty's Reign, intituled, "An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament."

VIII. And be it further enacted by the Authority aforesaid, That nothing in this Act shall extend or be construed to extend to the Cities of *London* or *Norwich*.

No. 9.

22 George III. c. 41.—An Act for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers, employed in the Collection or Management of his Majesty's Revenues, from giving their Votes at such Elections.

No. 9.
22 George III. c. 41.
Preamble:

From Aug. 1, 1782, no Commissioner or Officer employed in collecting or managing the Duties of Excise, Customs, &c. shall have any Vote in the Election of Members of Parliament.

FOR the better securing the Freedom of Elections of Members to serve in Parliament, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of *August*, one thousand seven hundred and eighty-two, no Commissioner, Collector, Supervisor, Gauger, or other Officer or Person whatsoever, concerned or employed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or Part thereof; nor any Commissioner, Collector, Comptroller, Searcher, or other Officer or Person whatsoever, concerned or employed in the charging, collecting, levying, or managing the Customs, or any Branch or Part thereof; nor any Commissioner, Officer, or other Person concerned or employed in collecting, receiving, or managing, any of the Duties on stamped Vellum, Parchment, and Paper, nor any Person appointed by the Commissioners for distributing of Stamps; nor any Commissioner, Officer, or other Person employed in collecting, levying, or managing, any of the Duties on Salt; nor any Surveyor, Collector, Comptroller, Inspector, Officer, or other Person employed in collecting, managing, or receiving, the Duties on Windows or Houses; nor any Postmaster,

Postmasters General, or his or their Deputy or Deputies, or any Person employed by or under him or them in receiving, collecting, or managing, the Revenue of the Post-office, or any Part thereof, nor any Captain, Master, or Mate, of any Ship, Packet, or other Vessel, employed by or under the Postmaster or Postmasters General in conveying the Mail to and from foreign Ports, shall be capable of giving his Vote for the Election of any Knight of the Shire, Commissioner, Citizen, Burgess, or Baron, to serve in Parliament for any County, Stewartry, City, Borough, or Cinque Port, or for chusing any Delegate in whom the Right of electing Members to serve in Parliament, for that Part of *Great Britain* called *Scotland*, is vested: And if any Person, hereby made incapable of voting as aforesaid, shall nevertheless presume to give his Vote, during the Time he shall hold, or within twelve Calendar Months after he shall cease to hold or execute any of the Offices aforesaid, contrary to the true Intent and Meaning of this Act, such Votes so given shall be held null and void to all Intents and Purposes whatsoever, and every Person so offending shall forfeit the Sum of one hundred Pounds, one Moiety thereof to the Informer, and the other Moiety thereof to be immediately paid into the Hands of the Treasurer of the County, Riding, or Division, within which such Offence shall have been committed, in that Part of *Great Britain* called *England*; and into the Hands of the Clerk of the Justices of the Peace of the Counties or Stewartries, in that Part of *Great Britain* called *Scotland*, to be applied and disposed of to such Purposes as the Justices at the next General Quarter Session of the Peace to be held for such County, Stewartry, Riding, or Division, shall think fit; to be recovered, by any Person that shall sue for the same, by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, in which no Essoin, Protection, Privilege, or Wager of Law, or more than one Impartiality, shall be allowed; or by summary Complaint before the Court of Session in *Scotland*; and the Person convicted on any such Suit shall thereby become disabled and incapable of ever bearing or executing any Office or Place of Trust whatsoever under his Majesty, his Heirs and Successors.

II. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Person or Persons for or by reason of his or their being a Commissioner or Commissioners of the Land Tax, or for or by reason of his or their acting by or under the Appointment of such Commissioners of the Land Tax, for the Purpose of assessing, levying, collecting, receiving, or managing the Land Tax, or any other Rates or Duties already granted or imposed, or which shall hereafter be granted or imposed, by Authority of Parliament.

III. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any Office now held, or usually granted to be held, by Letters Patent for any Estate of Inheritance or Freehold.

No. 9.
22 George III.
c. 41.

Penalty on Persons voting who are disqualifed by this Act.

- No. 9.
 22 George III. c. 41.
 not to Persons
 who shall re-
 sign their Offi-
 ces before Aug.
 - 1782.
 Limitation of
 Actions.
- IV. Provided always, and be it enacted by the Authority
 aforesaid, That nothing herein contained shall extend to any
 Person who shall resign his Office or Employment on or before
 the said first Day of August, one thousand seven hundred and
 eighty-two.
- V. Provided also, and be it enacted, That no Person
 shall be liable to any Forfeiture or Penalty by this Act laid or
 imposed, unless Prosecution be commenced within twelve
 Months after such Penalty or Forfeiture shall be incurred.

No. 10.

43 George III. c. 118.—An Act for better securing the
 Independence and Purity of Parliament, by preventing
 the procuring or obtaining of Seats in Parliament
 by corrupt Practices.—[19th. June 1809.]

No. 10.
 49 George III. c. 118.
 2 G. 2. c. 24.

WHEREAS it is expedient to make further Provision for preventing corrupt Practices in the procuring of Elections and Returns of Members to sit in the House of Commons: And Whereas the giving, or procuring to be given, or promising to give or to procure to be given any Sum of Money, Gift, or Reward, or any Office, Place, Employment, or Gratuity, in order to procure the Return of any Member to serve in Parliament, if not given to or for the Use of some Person having a Right or claiming to have a Right to act as Returning Officer, or to vote at such Election, is not Bribery within the Meaning of an Act passed in the second Year of King George the Second, intituled, "An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament," but such Gifts or Promises are contrary to the ancient Usage, Right, and Freedom of Elections, and contrary to the Laws and Constitution of this Realm; Be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons shall, from and after the passing of this Act, either by himself, herself, or themselves, or by any other Person or Persons for or in his, her, or their Behalf, give or cause to be given, directly or indirectly, or promise or agree to give any Sum of Money, Gift, or Reward, to any Person or Persons, upon any Engagement, Contract, or Agreement, that such Person or Persons to whom, to whose Use, or on whose Behalf such Gift or Promise shall be made, shall, by himself, herself, or themselves, or by any other Person or Persons whatsoever at his, her, or their Solicitation, Request or Command, procure or endeavour to procure the Return of any Person to serve in Parliament for any County, Stewartry, City, Town, Borough, Cinque Port, or Place,

Penalties on Persons giving or receiving Money, &c. on any Engagement to procure the Election or Return of a Member in Parliament, viz. on the Party giving, if not returned as a Member, &c.

No. 10.
49 George III.
c. 118.

every Person so having given or promised to give, if not returned himself to Parliament for such County, Stewartry, City, Town, Borough, Cinque Port, or Place, shall for every such Gift or Promise forfeit the Sum of one thousand Pounds, to be recovered in such Manner as is herein-after provided, with respect to the Sum of five hundred Pounds; and every such Person so returned and so having given or so having promised to give, or knowing of and consenting to such Gifts or Promises, upon any such Engagement, Contract, or Agreement, shall be ~~on the Party giving, or privy,~~
~~and is hereby declared and enacted to be disabled and incap-~~
~~citated to serve in that Parliament for such County, Stewartry, For-~~
~~City, Town, Borough, Cinque Port, or Place, and that such Seat;~~
~~Person shall be deemed and taken, and is hereby declared and~~
~~enacted to be deemed and taken to be no Member of Parlia-~~
~~ment, and enacted to be, to all Intents, Constructions, and~~
~~Purposes, as if he had never been returned or elected a Mem-~~
~~ber in Parliament; and any Person or Persons who shall receive on the Party~~
~~or accept of, by himself, herself, or themselves, or by any receiving, For-~~
~~other Person or Persons in trust for or to the Use or on the Be-~~
~~half of him, her, or them, any such Sum of Money, Gift, or Reward,~~
~~or any such Promise upon any such Engagement, Contract,~~
~~or Agreement, shall forfeit to his Majesty the Value~~
~~and Amount of such Sum of Money, Gift, or Reward, over~~
~~and above the Sum of five hundred Pounds, which said Sum of~~
~~five hundred Pounds he, she, or they shall forfeit to any Per-~~
~~son who shall sue for the same, to be recovered with such~~
~~Costs of Suit by Action of Debt, Bill, Plaintiff, or Information,~~
~~in any of his Majesty's Courts of Record at Westminster, if the~~
~~Offence be committed in that Part of the United Kingdom~~
~~called England and Wales, and in any of his Majesty's Courts~~
~~of Record at Dublin, if the Offence be committed in Ireland,~~
~~wherein respectively no Essoign or Wager of Law, or more~~
~~than one Imparlane shall be allowed; and if the Offence be~~
~~committed in Scotland, then to be recovered with full Costs of~~
~~Suit by summary Action or Complaint before the Court of Ses-~~
~~sion, or by Prosecution before the Court of Justiciary there.~~

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to legal Expences, extend, to any Money paid or agreed to be paid to or by any Person, for any legal Expence *bona fide* incurred at or concerning any Election.

III. And be it further enacted, That if any Person or Persons shall, from and after the passing of this Act, by him-
self, herself, or themselves, or by any other Person or Persons given, or promising to
for or on his, her, or their Behalf, give or procure to be ing any Office,
given, or promise to give or procure to be given, any Office, &c. on express
Place, or Employment, to any Person or Persons whatsoever, cure a Seat in
upon any express Contract or Agreement that such Person or Parliament,
Persons, to whom or to whose Use or on whose Behalf such Member return-
Gift or Promise shall be made, shall by himself, herself, or ed, Loss of
themselves, or by any other Person or Persons at his, her, or Seat; on Re-
their Solicitation, Request, or Command, procure, or endeav-
Office, Fox.

No. 10.
49 George III.
c. 118.
*feiture, In-
capacity, and
500L; and on
Giver of the
Office, 1000L.*
vour to procure the Return of any Person to serve in Parliament for any County, Stewartry, City, Town, Borough, Cinque Port, or Place, such Person so returned, and so having given or procured to be given, or so having promised to give or procure to be given, or knowing of and consenting to such Gift or Promise upon any such express Contract or Agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that Parliament for such County, Stewartry, City, Town, Borough, Cinque Port, or Place, and that such Person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no Member of Parliament, and enacted to be to all Intents, Constructions, and Purposes as if he had never been returned or elected a Member in Parliament; and any Person who shall receive or accept of, by himself, herself, or themselves, or by any other Person or Persons in trust for or to the Use or on the Behalf of such Persons, any such Office, Place, or Employment, upon such express Contract or Agreement, shall forfeit such Office, Place, or Employment, and be incapacitated for holding the same, and shall forfeit the Sum of five hundred Pounds, which said Sum of five hundred Pounds shall be recovered as is herein before enacted; and any Person holding any Office under his Majesty, who shall give such Office, Appoiment, or Place, upon any such express Contract or Agreement, that the Person to whom or for whose Use such Office, Appointment, or Place shall have been given, shall so procure or endeavour to procure the Return of any Person to serve in Parliament, shall forfeit the Sum of one thousand Pounds, to be recovered in such Manner as is herein before provided.

Limitation of Actions.

Two Years.

IV. And be it further enacted, That no Person shall be made liable to any Forfeiture or Penalty by this Act created or imposed, unless some Prosecution, Action, or Suit, for the Offence committed, shall be actually and legally commenced against such Person within the Space of two Years next after such Offence against this Act shall be committed, and unless such Person shall be actually and legally arrested, summoned, or otherwise served with any original or other Writ or Process within the same Space of Time, so as such Arrest, Summons, or Service of any original or other Writ or Process shall not be prevented by such Person absconding or withdrawing out of the Jurisdiction of the Court out of which such original or other Writ or Process shall have issued; and in case of any such Prosecution, Suit, or Process as aforesaid, the same shall be proceeded in and carried on without any wilful Delay; and that all Statutes of Jeofails and Amendments of the Law whatever shall and may be construed to extend to all Proceedings in any such Prosecution, Action, or Suit.

PART V. CLASS XXI.

LIBELS, SCANDALUM MAGNATUM, &c.

No. 1.

3 Edward I. c. 34.—None shall report slanderous News, whereby Discord may arise.

Cotton MS.

PURCEO qe plusours ount sovent trove en conte
controueures, dont discorde ou manere de discord ad este sovent entre le Roi & son people, ou ascuns hautes hommes de son roialme; est defendu pur le damage qe ad este, & unqore en purreit avenir, que desore en avant nul ne soit si hardy de dire, ne de counter nul faux novel, ou controvere, deunt nul descorde, ou manere de discord, ou desclandre, puisse surdre entre le Roi & son poeple, ou les autres hommes de son roialme; & qil le fra, soit pris & detenuz en prisone, jesques a taunt qil eit trove en Court celuy, dount le poeple [*la parole*] serra move.

“**F**ORASMUCH as there have been oftentimes found in the Country Divisions of Tales, whereby Discord, or Occasion of Discord, hath many times arisen between the King and his People, or great Men of this Realm; ‘For the Damage that hath and may thereof ensue, it is commanded, That from and henceforth none be so hardy to tell or publish any false News or Tales, whereby Discord, or Occasion of Discord or Slander may grow between the King and his People, or the great men of the Realm; and he that doth so, shall be taken and kept in Prison, until he hath brought him into the Court, which was the first Author of the Tale.’

No. 1.
3 Edward I;
c. 34.

No

2 Richard II. c. 5.—The Penalty for telling slanderous
Lyes of the Great Men of the Realm.

No. 2.
2 Richard II.
c. 5.

ITEM, Of Devisors of
false News and of hor-
rible and false Lyes, of Pre-
lates, Dukes, Earls, Ba-
rons, and other Nobles and
Great Men of the Realm,
and also of the Chancellor,
Treasurer, Clerk of the
Privy Seal, Steward of the
King's House, Justices of
the one Bench or of the
other, and of other Great
Officers of the Realm, of
Things which by the said
Prelates, Lords, Nobles,
and Officers aforesaid were
never spoken, done, nor
thought, in great Slander of
the said Prelates, Lords, No-
bles, and Officers, whereby
Debates and Discords might
arise betwixt the said Lords,
or between the Lords and
the Commons (which God
forbid) and whereof great
Peril and Mischief might
come to all the Realm, and
quick Subversion and De-
struction of the said Realm,
if due Remedy be not
provided: " It is straitly
defended upon grievous
Pain, for to eschew the said
Damages and Perils, that
from henceforth none be so
hardy to devise, speak, or
to tell any false News, Lyes,
or other such false Things, of
Prelates, Lords, and of other
aforesaid, whereof Discord
or any Slander might rise
within the same Realm;
and he that doth the same
shall incur and have the pain
another Time ordained there-
of by the Statute of West-

Ex Rot. in Turr: Lond.
ITEM de controvours de
faux novel & countours
des horribles & fauves men-
sanges des Prelatz Ducs
Countes Barons & autres no-
bles & grantz de Roialme &
auxint del Chaunceller Treso-
rer Clerk de prive seal Senes-
chal del Hostel nostre Seignur
le Roi Justices del un Bank &
del autre & dautres grants
officers du Roialme des choses
qe par les ditz Prelatz Seignurs
& officers ne furent unques
parlez touchez ou pensez en
grant esclaundre des Prelatz
Seignurs nobles & officers
avantditz par ont debatz &
discordes purroient sourdre
parentre les ditz Seignurs ou
parentre les Seignurs & com-
munes qe Dieu ne veulle &
dont grant peril & meschief
purroit avenir a tout le Roial-
me & legerement subversion
& destruction del Roialme
avantdit si due remede ny
fuisse mys est defenduz es-
troitement & sur grief peine
pur eschuer les damages &
perils avantditz qe desore nul
soit si hardi de controver dire
ou counter ascune fauve no-
uelle mensonge ou autre tiel
fauve chose des Prelatz Seignurs
& les autres desusditz
dont discord ou esclaundre
aucune puisse sourdre deinz
mesme le Roialme & qj le fra-
et & encourage la paine
autrefoitz ent ordenez par
estatut de Westm' primer qe
voet qil soit pris & emprisonez
jeqes a tant qil eit trovez cel-
luy dont la parole sera mo-
evez.

Ex Rot. in Turr. Lond.

'minster the First, which will,
 'that he be taken and im-
 'prisoned till he have found him
 'of whom the Word was mo-
 'ved.'

No. 3.

12 Richard II. c. 11.—The Punishment of him that telleth
 Lies of the Peers or great Officers of the Realm.

ITEM come contenuz soit sibien en lestatut de Westm' primer come en lestatut fait a Glouc' lan du regne nostre Seignur le Roi qore est second qe null soit si hardy de controver dire ou conter ascune faux novell mensonge ou autre tiel fauue chose des Prelatz Ducs Counts Barons et autres nobles et grantz du Roialme et auxint da Chanceller Tresorer Clerc du prive seal seneschall del Hostel nostre Seignur le Roi Justices de lun bank et de laute et dautres grantz officers du Roialme et qil le fra soit pris et emprisones jesques autant qil eit trove celuy dont la parole serra moevez accordez est et assentuz en cest parlement qe qant ascun tiel soit pris et emprisonez et ne poet trover celuy dont le parole serra moevez come devant est dit qil soit puniz par advys du conseill nient contesteant les estatutz avantditz.

"**I**TEM, Whereas it is contained, as well in the Statute of Westminster the first, as in the Statute made at Gloucester, the second Year of the Reign of our Lord the King that now is, that none be so hardy to invent, to say, or to tell any false News, Lies, or such other false Things, of the Prelates, Dukes, Earls, Barons, and other Nobles and great Men of the Realm, and also of the Chancellor, Treasurer, Clerk of the Privy Seal, and Steward of the King's House, the Justice of the one Bench or of the other, and other great Officers of the Realm, and he that doth so shall be taken and imprisoned, till he hath found him of whom the Speech shall be moved;" It is accorded and agreed in this Parliament, That when any such is taken and imprisoned, and cannot find him by whom the Speech be moved, as before is said, that he be punished by the Advice of the Council, notwithstanding the said Statutes.

No. 3.
12 Richard II.
c. 11.

No. 4.

1 and 2 Philip and Mary, c. 3.—A Confirmation of the Stat. of 3 Ed. 1. c. 3*t*, and 2 R. 2. Stat. 1. c. 5. touching telling of News. Justices of Peace in every Shire, City, &c. shall have Authority to hear and determine the said Offences, and to put the said two Statutes in Execution. If any Person shall be convicted or attainted for speaking maliciously of his own Imagination, any false, seditious and slanderous News, Saying, or Tales, of the King or Queen, then he shall for his first Offence be set on the Pillory in some Market-place near where the Words were spoken, and have both his Ears cut off, unless he pay to the Queen an hundred Pound within one Month after Judgment given, and also shall be three Months imprisoned: And if he shall speak any such slanderous and seditious News or Tales of the Speaking or Report of any other, then he shall be set on the Pillory, and have one of his Ears cut off, unless he pay an hundred Marks to the Queen's Use within one Month after, and shall be one Month imprisoned: And if he shall do it by Book, Rhyme, Ballad, Letter or Writing, he shall have his right Hand stricken off. And if any Person being once convicted of any of the Offences aforesaid, do afterwards offend, he shall be imprisoned during his Life, and forfeit all his Goods and Chattels. EXP. 4 & 5 Ph. & M. c. 9. 1 Eliz. c. 6.

No. 5.

13 and 14 Charles II. c. 33.—An Act for preventing the frequent Abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating of Printing and Printing Presses.

[See 4 Bl. Com. 152. n.]

No. 6.

P. **1 James II. c. 17.**—An Act for reviving and Continuance of several Acts of Parliament therein mentioned.

No. 6. **x James II. c. 17.** **XV.** **A** ND be it further enacted by the Authority aforesaid, **13 & 14 Car. 2. c. 33, the Press, for seven Years,** That one other Act made in the thirteenth and fourteenth Years of his said late Majesty's Reign, intituled, “ An Act for preventing the frequent Abuses in printing seditious, treasonable, and unlicensed Books and Pamphlets, and for regulating of Printing and Printing Presses,” and every Clause, Article, and Thing therein contained, be revived and continue in Force from the four and twentieth Day of June, in the Year of our Lord one thousand six hundred eighty-five, for the Space of seven Years, and from thence to the End of the next Session of Parliament.

No. 7.

4 and 5 William and Mary, c. 24.—An Act for reviving, continuing, and explaining several Laws therein mentioned, which are expired and near expiring.

[The licensing Act, 13 and 14 Car. II. further continued for one Year.]

No. 8.

32 George III. c. 60.—An Act to remove Doubts respecting the Functions of Juries in Cases of Libel.

WHEREAS Doubts have arisen whether on the Trial of an Indictment or Information for the making or publishing any Libel, where an Issue or Issues are joined between the King and the Defendant or Defendants, on the Plea of Not Guilty pleaded, it be competent to the Jury impanelled to try the same to give their Verdict upon the whole Matter in Issue: Be it therefore declared and enacted for a Libel, the by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, on every such Trial, the Jury shall be sworn to try the Issue may give a general Verdict of Guilty and shall not be required or the Defendant directed, by the Court or Judge before whom such Indictment or Information shall be tried, to find the Defendant or Defendants Guilty, merely on the Proof of the Publication by such ascribed to in Defendant or Defendants of the Paper charged to be a Libel, the Information and of the Sense ascribed to the same in such Indictment or Information.

II. Provided always, That, on every such Trial, the Court or Judge before whom such Indictment or Information shall be tried, shall, according to their or his Discretion, give Directions on their or his Opinion and Directions to the Jury on the Matter in Issue between the King and the Defendant or Defendants, in like Manner as in other Criminal Cases.

III. Provided also, That nothing herein contained shall extend, or be construed to extend, to prevent the Jury from finding a Special Verdict, in their Discretion, as in other Criminal Cases.

IV. Provided also, That in case the Jury shall find the Defendants guilty, it shall and may be lawful move in Arrest of Judgment, as for the said Defendant or Defendants to move in Arrest of before passing Judgment, on such Ground and in such Manner as by Law he this Act. or they might have done before the passing of this Act; any Thing herein contained to the contrary notwithstanding.

No. 9.

- P. 38 George III. c. 78.—An Act for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known; and for regulating the Printing and Publication of such Papers in other Respects.—[28th June 1798.]

[I. After 40 Days from the passing this Act, no Person to print or publish a Newspaper until an Affidavit be delivered at the Stamp Office.]

[II. Affidavit to specify the Names and Abode of the Printer, Publisher, and of the Proprietors, if they do not exceed two, exclusive of the Printer and Publisher, and if they do, then of two Proprietors, and their proportional Shares, and the Description of the Printing House, and Title of the Paper.]

[III. Where the Proprietors exceed two, the Names of two of the greatest Proprietors, exclusive of the Printer and Publisher, to be specified in the Affidavit.]

[IV. Affidavit to be made as often as the Printers, Publishers, or Proprietors, named therein, or their respective Abodes, shall be changed, &c. or as often as the Commissioners for Stamps shall require.]

[V. Affidavit to be signed by the Parties, and taken by a Commissioner or Officer specially appointed.]

[VI. Where the Printers, Publishers, and Proprietors, required to be named in the Affidavit, do not exceed four, the Whole to swear; and where they do exceed that Number, four to swear to certain Particulars, and to give Notice to the Parties not swearing, on Penalty of 50l. each.]

[VII. Penalty of 100l. for printing, publishing, or vending a Newspaper without such Affidavit having been signed, &c.]

[VIII. Persons making false or imperfect Affidavits, liable to the Penalties for Perjury.]

No. 9.
38 George III.
c. 78.

Affidavits to be filed, and they, or certified Copies, to be admitted in all Proceedings, civil or criminal, as Evidence of the Truth of their Contents, against the Persons swearing, and all mentioned therein, unless proved to the contrary:

IX. AND be it further enacted, That all such Affidavits and Affirmations as aforesaid shall be filed and kept in such Manner as the said Commissioners shall direct, and the same, or Copies thereof certified to be true Copies, as herein-after is mentioned, shall respectively, in all Proceedings, civil and criminal, touching any Newspaper, or other such Paper as aforesaid, which shall be mentioned in any such Affidavits or Affirmations, or touching any Publication, Matter, or Thing contained in any such Newspaper or other Paper, be received and admitted as conclusive Evidence of the Truth of all such Matters set forth in such Affidavits or Affirmations as are hereby required to be therein set forth, against every Person who shall have signed and sworn or affirmed such Affidavits or Affirmations, and shall also be received and admitted, in like Manner, as sufficient Evidence of the Truth of all such Matters against all and every Person who shall not have signed or sworn or affirmed the same, but who shall be therein mentioned to be a Proprietor, Printer, or Publisher of such Newspaper or other Paper, unless the contrary shall be satisfactorily proved: Provided always, That if any such Person or Persons respectively, against whom any such Affidavit or Affirmation, or any

Copy thereof, shall be offered in Evidence, shall prove that he, she, or they hath or have signed, sworn or affirmed, and delivered to the said Commissioners or such Officer as aforesaid, previous to the Day of the Date or Publication of the Newspaper, or other such Paper as aforesaid, to which the Proceedings, civil or criminal, shall relate, an Affidavit or Affirmation that he, she, or they hath or have ceased to be the Printer or Printers, Proprietor or Proprietors, or Publisher or Publishers of such Newspaper, or other such Paper as aforesaid, such Person or Persons shall not be deemed, by reason of any former Affidavit or Affirmation so delivered as aforesaid, to have been the Printer or Printers, Proprietor or Proprietors, or Publisher or Publishers, of such Paper, after the Day on which such last-mentioned Affidavit or Affirmation shall have been delivered to the said Commissioners, or their Officer as aforesaid.

X. And be it further enacted, That in some Part of every *Journal* or *Newspaper*, or other such Paper as aforesaid, there shall be printed the true and real Name and Names, Addition and Names and Additions, and Place and Places of the Abode of the Printer and Printers, and Publisher and Publishers of the same, and also a true Description of the Place where the same is printed; and in case any Person or Persons shall knowingly and wilfully print or publish, or cause to be printed or published, any such *Newspaper* or other Paper as aforesaid, not containing the Particulars aforesaid, and every of them, every such Person shall forfeit and lose the Sum of one hundred Pounds; and that Proof, in Manner herein mentioned, in any Proceeding to recover the same, that the Party proceeded against is the Printer or Publisher of a *Newspaper* or other such Paper so printed or published as aforesaid, shall be deemed and taken sufficient to be Proof that such Party is a Person wilfully and knowingly proved to the contrary, printing or publishing, or causing the same to be printed or published, unless he shall satisfactorily prove the contrary thereof.

XI. And be it further enacted, That it shall not be necessary, after any such Affidavit or Affirmation, or a certified Copy thereof, shall have been produced in Evidence as aforesaid against the Persons who signed and made such Affidavit, or intituled as therein named, according to this Act, or any of them, and are thereintitled, it shall not after a *Newspaper*, or other such Paper as aforesaid, shall be necessary for produced in Evidence, intituled in the same Manner as the *Newspaper* or other Paper mentioned in such Affidavit or Copy, intituled, and wherein the Name or Names of the Printer and Publisher, or Printers and Publishers, and the Place of printing, shall be the same as the Name or Names of the Printer and Publisher, or Printers and Publishers, and the Place of printing mentioned in such Affidavit or Affirmation, for the Plaintiff, Informant, or Prosecutor, or Person seeking to recover any of the Penalties given by this Act, to prove that the *Newspaper*, or Paper to which such Trial relates, was purchased at any House, Shop, or Office, belonging to or occu-

No. 9. piced by the Defendant or Defendants, or any of them, or by
 18 George III. his or their Servants or Workmen, or where he or they, by
 c. 78. themselves or their Servants or Workmen, usually carry on the
 Business of printing or publishing such Paper, or where the
 same is usually sold.

Service at the
 Printing House
 mentioned in
 Affidavit, to be
 deemed suffi-
 cient Notice to
 all Persons
 named therein:

XII. And be it further enacted, That Service at the House or Place mentioned in such Affidavit or Affirmation as aforesaid, as the House or Place at which such Newspaper, or other such Paper as aforesaid, to which any Proceedings, civil or criminal, shall relate, is printed or published, or intended so to be, of any legal Notice, Summons, Subpœna, Rule, Order, or Process, of what Nature whatsoever, or to enforce an Appearance in any Suit, Prosecution, or Proceeding, civil or criminal, against any Printer, Publisher, or Proprietor of any such Newspaper or other Paper, shall be deemed and taken to be good and sufficient Service thereof respectively, against all Persons named in such Affidavit or Affirmation as the Proprietor or Proprietors, Publisher or Publishers, or Printer or Printers of the Newspaper or other Paper mentioned in such Affidavit or Affirmation: Provided always, That if any such Person or Persons respectively as aforesaid shall have signed, sworn, or affirmed, and delivered to the said Commissioners, or such Officer as aforesaid, previous to the Day of the Date or Publication of the Newspaper, or other such Paper as aforesaid, to which the Proceeding in Court shall relate, an Affidavit or Affirmation that he or they have ceased to be the Printer or Printers, Proprietor or Proprietors, Publisher or Publishers of such New-paper, or other such Paper as aforesaid, and shall make Proof thereof, such Person or Persons shall not be deemed, by reason of any former Affidavit or Affirmation so delivered as aforesaid, to have been the Proprietor or Proprietors, Printer or Printers, Publisher or Publishers of such Paper, after the Day on which such last-mentioned Affidavit or Affirmation shall have been delivered to the said Commissioners, or such other Officer as aforesaid.

Certified Copies
 of Affidavits to
 be delivered on
 Payment of £s.

XIII. And be it further enacted, That the Commissioners or Officers by whom such Affidavits or Affirmations shall be kept, according to the Directions of this Act, shall, and they are hereby required, upon Application made to them by any Person or Persons requiring a Copy certified according to this Act, of any such Affidavit or Affirmation as aforesaid, in order that the same may be produced in any civil or criminal Proceedings, to deliver to the Person so applying for the same such certified Copy, he or they paying for the same the Sum of one Shilling and no more.

Copies of Affi-
 davits certified
 by the Com-
 missioners or
 Officers in
 whose Custody
 they shall be,
 to be sufficient
 Evidence.

XIV. And whereas in many Cases it may be productive of public Inconvenience to require that the Commissioners or Officers before whom such Affidavits or Affirmations, as are hereinbefore mentioned, are made, should be required personally to attend, in order to prove, upon the Trial of any Action, Prosecution, Suit, Indictment, Insurrection, or in any other Proceeding, that the Parties signing, swearing, or

affirming, and delivering such Affidavit or Affidavits, No. 9.
 Affirmation or Affirmations, did swear or affirm the same ^{38 George III;}
 in the Presence of, and did deliver the same to such
 Commissioners and Officers, before and to whom the same
 shall have been sworn, affirmed, or delivered respectively;
 Be it enacted, That in all Cases a Copy of any such Affidavit
 or Affirmation, certified to be a true Copy under the Hand or
 Hands of one or more of the Commissioners or Officers in
 whose Possession the same shall be, shall, upon Proof made
 that such Certificates have been signed with the Hand Writing
 of the Person or Persons making the same, and whom it
 shall not be necessary to prove to be a Commissioner or Com-
 missioners, or Officer or Officers, be received in Evidence as
 sufficient Proof of such Affidavit or Affirmation, and that the
 same was duly sworn or affirmed, and of the Contents thereof;
 and such Copies, so produced and certified, shall also be
 received as Evidence that the Affidavit or Affirmation, of
 which they purport to be Copies, have been sworn or affirmed
 according to this Act, and shall have the same Effect, for the
 Purposes of Evidence, to all Intents whatsoever, as if the origi-
 nal Affidavits or Affirmations, of which the Copies so produced
 and certified shall purport to be Copies, had been produced in
 Evidence, and been proved to have been duly so certified,
 sworn, and affirmed, by the Person or Persons appearing by
 such Copy to have sworn or affirmed the same as aforesaid.

[XV. Penalty of 100l. on unauthorized Persons giving Certificates.]

[XVI. Penalty of 100l. for falsely certifying that Affidavits were
 sworn to, or that false Copies are true, &c.]

[XVII. After July 1, 1798, a Copy of every Newspaper to be de-
 livered within six Days of its Publication to the Commissioners of Stamps,
 or their Officer, on Penalty of 100l. the Paper to be paid for by the Com-
 missioners, and may, within two Years after Publication, be produced as
 Evidence in any Proceeding, civil or criminal.]

[XVIII. Penalty of 20l. for printing or publishing Newspapers not
 duly stamped.]

[XIX. Penalty of 20l. for having a Newspaper not duly stamped.]

[XX. Penalty of 100l. for sending or procuring Newspapers not
 duly stamped to be sent out of Great Britain.]

[XXI. Penalty of 500l. for sending, or procuring to be sent, during
 the War, Newspapers, stamped or unstamped, to any Country not in
 Amity with his Majesty.]

[XXII. On Oath that any Person has a Newspaper intended to be
 sent to any Country not in Amity with his Majesty, a Justice may summon
 and examine the Party.—Penalty for not answering lawful Questions, 50l.—
 Papers to be forfeited.]

[XXIII. The Names and Abode of Proprietors out of Great Britain
 to be specified in Affidavit.]

[XXIV. And whereas Matters tending to excite Hatred ^{Penalty for}
 and Contempt of the Person of his Majesty, and of the printing or pub-
 lishing any se-
 'Constitution and Government established in these Kingdoms,
 'are frequently published in Newspapers, or other Papers, under Colour of
 'under Colour of having been copied from Foreign News-
 'papers, or other Papers of a like Nature; be it enacted, Foreign Papers,
 printed in a

No. 9.
38 George III. That if any Person shall print or publish, or cause to be printed or published, in any Newspaper, or other such Paper as aforesaid, that shall be printed or published in that Part of *Great Britain* called *England*, any Matter or Thing having such Tendency as aforesaid, as having been previously printed or published in some Foreign Paper or Print, which hath not been previously so printed or published, such Person shall, being lawfully convicted thereof, be committed to Prison for any Time not exceeding twelve nor less than six Months, and shall be liable to such other Punishment as may by Law be inflicted in Cases of high Misdemeanors; and in every Proceeding against any Person in respect of his having so printed or published as aforesaid any such Matter or Thing as aforesaid, it shall be incumbent upon the Person against whom the Proceeding shall be, to make Proof that the same had been previously printed and published in some Foreign Paper or Print; and in case he shall fail so to do, the same shall be deemed and taken not to have been so previously printed and published.

Proof of its
having been so
previously
printed to lie on
the Defendant.

If such Proof be made, the Publication respecting which such Proceeding shall be had shall nevertheless be deemed and taken to be of such Nature in the Law as the same would have been deemed and taken to be if this Act had not been made.

[XXV. After forty Days after passing this Act, none but Commissioners of Stamps, or their Officer, to supply Paper stamped for printing Newspapers, until the Person so supplying has given Security to deliver, once in six Weeks, an Account of the Quantities and Kind sold, &c. on Penalty of 100l.]

[XXVII. Persons concerned in printing or publishing Newspapers not legally stamped, to be Debtors to his Majesty in the Sum that would have accrued if duly stamped, &c.]

[XXVIII. To Bills for the Discovery of Proprietors, Printers, Editors, or Publishers of Newspapers, the Defendants shall not demur; but shall make the Discovery required.]

Recovery and
Application of
Penalties.

XXIX. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed, which shall exceed the Sum of twenty Pounds, shall (except where this Act hath otherwise directed) be recovered by Action of Debt, Bill, Plaintiff, or Information, in any of his Majesty's Courts of Record at *Westminster*, or the Courts of Great Session in the Principality of *Wales*, or the Courts of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, or in the Court of Session or Court of Exchequer in *Scotland*, (as the Case shall require,) wherein no Essoign, Privilege, Protection, Wager of Law, or more than one Imparlane shall be allowed; and that all Fines, Penalties, and Forfeitures, by this Act imposed, which shall not exceed the Sum of twenty Pounds, shall, on Proof upon Oath of the Offence before any Justice of the Peace of the County, Riding, Stewartry, City, or Place, where the Offence shall be committed, be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of

such Justice, rendering the Overplus, if any, on Demand, after deducting the Charges of such Distress and Sale, to the Person whose Goods and Chattels have been so distrained and sold; and for Want of sufficient Distress, such Justice is hereby required, in all Cases where no particular Time of Commitment is hereinbefore directed, to commit such Offender to the Common Gaol of the County, Riding, Stewartry, City, or Place, where the Offence shall have been committed, for any Time not exceeding three Months; and the Money arising by all such Fines, Penalties, and Forfeitures, when recovered, shall be, as to one Moiety thereof, to and for the Use of our Sovereign Lord the King, his Heirs and Successors, and as to the other Moiety thereof, to and for the Use of such Person who shall inform or sue for the same, except in such Cases in which the Application thereof is otherwise directed by this Act.

[XXX. No Order or Conviction of a Justice to be removed into any Court or the Execution superseded.]

[XXXI. Act to extend to Scotland in certain Cases only.]

[XXXII. Act may be repealed or altered this Session.]

PART V. CLASS XXII.

NUISANCES.

No. 1.

9 Henry III. (Magna Charta) c. 23.—In what Places Wears shall be put down.

No. 2.

20 Edward III. stat. 4. c. 4.—New Wears shall be pulled down, and not repaired.

No. 3.

45 Edward III. c. 2.—The Penalty of him that setteth up or enhanceth Wears.

No. 4.

12 Richard II. c. 13.—The Punishment of them which cause Corruption near a City or great Town to corrupt the Air.

Ex Rot. in Turr. Lond.

No. 4.
12 Richard II. c. 13. ITEM; For that so much Dung and Filth of the Garbage and Intrailes as well of Beasts killed, as of other Corruptions, be cast and put in Ditches, Rivers, and other Waters, and also with in many other Places, with in, about, and nigh unto divers Cities, Boroughs, and Towns of the Realm, and the Suburbs of them, that the Air there is greatly corrupt and infect, and many

ITEM pur ce qe tantz des fynes & autres ordures des issues & entrailles sibien des bestes tuez coine des autres corruptions sont gettez & mys en fosses ryvers & autres ewes & auxint plusours autres lieux dedeinz en tour & pres diverses citees burghs & villes du Roialme & les suburbis dicelles qe laire illoeges est grandement corrupt & infect & plusours maladies & autres diseases nient suffrables aveignent

Ex Rot. in Turr. Lond.

de jour en autre sibien a les
inhabitantz & conversantz es-
dites citees burghs villes et
suburbes come as autres il-
loeges reparantz & passantz
a tresgrant anusance damage
& peril des inhabitantz con-
versantz repairantz & passantz
asuditz Accordez est & assentuz
qe proclamacion soit faite si-
bien en la Citee de Londres
come en autres citees burghs
& villes parmy le Roialme ou
il busoigne sibien deinz fran-
chises come dehors qe toutz
ceux qe tielx anusances fymes
issues entrailles & autres or-
dures ont gettez & mys en
fosses ryvers ewes & autres
lieux suindies les facent outre-
ment remuer ouster & emporter
parentre cy & le fest de
seint Michel prochein avenir
apres le syn de cest parlement
chescun sur peyne de vynt
livres appaiers au Roy & qe
les meirs & bailliis de chescun
tel citee burgh & ville &
auxint les bailliis des fran-
chises les compellent de ce
faire sur semblable peyne. Et
si ascun soy sent greve qe ce
ne soit parfaite en manere
susdite & soy voet ent pleindre
al Chanceller apres le dit fest
de seint Michel eit brief de
faire venir celui de qil voet
ensy pleindre en la Chancel-
larie a y monstrar pur qoy
la dite peyne ne serra leve de
luy & sil ne se poet ent due-
ment excuser soit me-me la
peyne leve de luy. Et enou-
tre soit proclamation faite si-
bien en la dite Citee de Lon-
dres come en autres citees
burghs & villes come deuis
qe null de quel condition qil
soit ne face mettre ou gette
desore en avant tieles anoesan-
ces issues fymes entrailles &

" Maladies and other intol- No. 1.
" erable Diseases do daily 12 Richard II.
" happen, as well to the In- c. 13.
" habitants, and those that are
" conversant in the said Cities,
" Boroughs, Towns and Su-
" burbs, as to other repairing
" and travelling thither, to the
" great Annoyance, Damage,
" and Peril of the Inhabitants,
" Dwellers, Repairers, and
" Travellers aforesaid;" it
is accorded and assented,
That Proclamation be made
as well in the City of London,
as in other Cities, Boroughs,
and Towns, through the
Realm of England, where it
shall be needful, as well with-
in Franchises as without,
that all they which do cast
and lay all such Annoyances,
Dung, Garbages, Intrails,
and other Ordure in Ditches,
Rivers, Waters, and other
Places aforesaid, shall cause
them utterly to be removed,
avoided, and carried away be-
twixt this and the Feast of St.
Michael next ensuing after the
end of this present Parliament,
every one upon pain to lose
and to forfeit to our Lord the
King xx li. And that the Chief Officers
Mayors and Bailliis of every of Towns shall
such City, Borough or Town, compel Offen-
ders to redress,
and also the Bailliis of Fran- their Annoy-
chises, shall compel the same an-
to be done upon like Pain.
And if any feel himself
grieved, that it be not done
in the Manner aforesaid, and
will thereupon complain him
to the Chancellor after the
said Feast of St. Michael,
he shall have a Writ to make
him of whom he will so com-
plain to come into the Chan-
cery, there to shew why the
said Penalty should not levi-
ed of him, and if he cannot

No. 4.
12 Richard II. c. 13.
 duly excuse himself, the said
 Penalty shall be levied on
 him. And moreover Pro-
 clamation shall be made, as
 well in the said City of Lon-
 don, as in other Cities, Bu-
 roughs and Towns, as afore,
 that none, of what Condi-
 tion soever he be, cause to
 be cast or thrown from
 henceforth any such Annoy-
 ance, Garbage, Dung, In-
 trails, nor any other Ordure
 into the Ditches, Rivers,
 Waters, and other Places
 aforesaid, and if any do, he
 shall be called by Writ be-
 fore the Chancellor, at his
 Suit that will complain; and
 if he be found guilty, he
 shall be punished after the
 Discretion of the Chancel-
 lor.'

Ex Rot. in Turr. Lond.
 ordures en les fosses ryvers
 ewes & autres lieux susditz &
 si null le face soit appelle par
 brief devant le Chanceller a la
 suite de celuy qe soy vorra
 pleindre & sil soit trove cou-
 pable soit puniz solonc la dis-
 crection del Chaunceller.

No. 5.

1 Henry IV. c. 12.—A Confirmation of former Statutes
 touching pulling down of Wears.

No. 6.

4 Henry IV. c. 11.—Commissions shall be awarded to
 Justices, &c. to inquire of Wears, Kidels, &c.

No. 7.

1 Henry V. c. 2.—A Confirmation of former Statutes
 touching Wears, Mills, Kidels, &c.

No. 8.

2 Henry VI. c. 15.—No Man shall fasten Nets to any
 Thing over Rivers.

No. 9.

12 Edward IV. c. 7.—An Act for Wears and Fishgarthes,

No. 10.

25 George II. c. 36.—An Act for the better preventing Thefts and Robberies, and for regulating Places of Publick Entertainment, and punishing Persons keeping disorderly Houses.

WHEREAS the advertising a Reward with no Questions asked, for the Return of Things which have been lost or stolen, is one great Cause and Encouragement of Thefts and Robberies; Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of June one thousand seven hundred and fifty-two, any Person publickly advertising a Reward with no Questions asked, for the Return of Things which have been stolen or lost, or making use of any Words in such publick Advertisement, purporting that such Reward shall be given or paid without seizing or making Enquiry after the Person producing such Thing so stolen or lost, or promising or offering, in any such publick Advertisement, to return to any Pawnbroker, or other Person, who may have bought or advanced Money by way of Loan upon such Thing so stolen or lost the Money so paid or advanced, or any other Sum of Money or Reward for the Return of such Thing; and any Person printing or publishing such Advertisement, shall respectively forfeit the Sum of fifty Pounds for every such Offence, and the Printer to any Person who will sue for the same.

II. And whereas the Multitude of Places of Entertainment for the lower Sort of People is another great Cause of Thefts and Robberies, as they are thereby tempted to spend their small Substance in riotous Pleasures, and in consequence are put on unlawful Methods of supplying their Wants, and renewing their Pleasures: In order therefore to prevent the said Temptation to Thefts and Robberies, and to correct as far as may be the Habit of Idleness, which is become too general over the whole Kingdom, and is productive of much Mischief and Inconvenience; Be it enacted by the Authority aforesaid, That from and after the first Day of December one thousand seven hundred and fifty-two, any House, Room, Places of Entertainment, or other Place kept for publick Dancing, Musick, or other publick Entertainment of the like Kind, in the Cities of London and Westminster, or within twenty Miles thereof, without a Licence had for that Purpose, from the last preceding Michaelmas Quarter Sessions of the Peace, to be holden

No. 10.
25 George II.
c. 36.

The Person advertising a Reward for the Return of Things stolen or lost, &c.

Unlicensed
Places of Entertain-
ment or disorderly Houses.

No. 10. for the County, City, Riding, Liberty or Division in which such House, Room, Garden, or other Place is situate (who are hereby authorized and impowered to grant such Licences as they in their Discretion shall think proper) signified under the Hands and Seals of four or more of the Justices there assembled, shall be deemed a disorderly House or Place: And every such Licence shall be signed and sealed by the said Justices in open Court, and afterwards be publickly read by the Clerk of the Peace, together with the Names of the Justices subscribing the same; and no such Licence shall be granted at any adjourned Sessions; nor shall any Fee or Reward be taken for any such Licence: And it shall and may be lawful to and for any Constable, or other Person, being thereunto authorized, by Warrant under the Hand and Seal of one or more of his Majesty's Justices of the Peace of the County, City, Riding, Division or Liberty where such House or Place shall be situate, to enter such House or Place, and to seize every Person who shall be found therein, in order that they may be dealt with according to Law: And every Person keeping such House, Room, Garden, or other Place, without such Licence as aforesaid, shall forfeit the Sum of one hundred Pounds to such Person as will sue for the same; and be otherwise punishable as the Law directs in Cases of disorderly Houses.

Constables may seize Persons found therein.

Person keeping the same to forfeit 100.

Licensed Places to have an Inscription over them,

and not to be opened before 5 in the Evening.

On Breach of either of the Conditions the Licence to be revoked.

Places licensed by the Crown, or Lord Chamberlain, excepted.

III. Provided always, and it is hereby further enacted by the Authority aforesaid, That in order to give publick Notice what Places are licensed pursuant to this Act, there shall be affixed and kept up in some notorious Place over the Door or Entrance of every such House, Room, Garden, or other Place, kept for any of the said Purposes, and so licensed as aforesaid, an Inscription in large Capital Letters, in the Words following; *videlicet*, LICENSED PURSUANT TO ACT OF PARLIAMENT OF THE TWENTY-FIFTH OF KING GEORGE THE SECOND; and that no such House, Room, Garden, or other Place, kept for any of the said Purposes, although licensed as aforesaid, shall be open for any of the said Purposes before the Hour of five in the Afternoon; and that the affixing and keeping up of such Inscription as aforesaid, and the said Limitation or Restriction in point of Time, shall be inserted in, and made Conditions of, every such Licence; and in case of any Breach of either of the said Conditions, such Licence shall be forfeited, and shall be revoked by the Justices of Peace in their next General or Quarter Sessions, and shall not be renewed; nor shall any new Licence be granted to the same Person or Persons, or any other Person on his or their or any of their Behalf, or for their Use or Benefit, directly or indirectly, for keeping any such House, Room, Garden, or other Place, for any of the Purposes aforesaid.

IV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the Theatres Royal in Drury Lane and Covent Garden, or the Theatre commonly called.

called *The King's Theatre* in the *Hay Market*, or any of them; nor to such Performances and publick Entertainments as are or shall be lawfully exercised and carried on under or by virtue of Letters Patents, or Licence of the Crown, or the Licence of the Lord Chamberlain of his Majesty's Household; any Thing herein contained notwithstanding.

No. 10.
25 George II.
c. 30.

V. And in order to encourage Prosecutions against Persons keeping Bawdy-houses, Gaming-house, or other disorderly Houses, Be it enacted by the Authority aforesaid, That if any two Inhabitants of any Parish or Place, paying Scot, and bearing Lot therein, do give Notice in Writing to any Constable (or other Peace Officer of the like Nature, where there is no Constable) of such Parish or Place, of any Person keeping a Bawdy-house, Gaming-house, or any other disorderly House, in such Parish or Place, the Constable, or such Officer as aforesaid, so receiving such Notice, shall forthwith go with such Inhabitants to one of his Majesty's Justices of the Peace of the County, City, Riding, Division or Liberty in which such Parish or Place does lie; and shall, upon such Inhabitants making Oath before such Justice, that they do believe the Contents of such Notice to be true, and entering into a Recognizance in the penal Sum of twenty Pounds each, to give or produce material Evidence against such Person for such Offence, enter into a Recognizance in the penal Sum of thirty Pounds, to prosecute with Effect such Person for such Offence at the next General or Quarter Session of the Peace, or at the next Assizes to be holden for the County in which such Parish or Place does lie, as to the said Justice shall seem meet; and such Constable or other Officer shall be allowed all the reasonable Expences of such Prosecution, to be ascertained by any two Justices of the Peace of the County, City, Riding, Division or Liberty where the Offence shall have been committed, and shall be paid the same by the Overseers of the Poor of such Parish or Place; and in case such Person shall be convicted of such Offence, the Overseers of the Poor of such Parish or Place shall forthwith pay the Sum of ten Pounds to each of such Inhabitants; and in case such Overseers shall neglect or refuse to pay to such Constable or other Officer such Expences of the Prosecution as aforesaid, or shall neglect or refuse to pay upon Demand, the said Sums of ten Pounds and ten Pounds, such Overseers and each of them, shall forfeit to the Person entitled to the same, double the Sum so refused or neglected to be paid.

The Charges of
Prosecution,

and tol. on
Conviction to
each of the two
Inhabitants, to
be paid by the
Overseers,
on Penalty of
forfeiting dou-
ble.

VI. Provided always, and be it enacted by the Authority aforesaid, That upon such Constable or other Officer entering into such Recognizance to prosecute as aforesaid, the said Justice of the Peace shall forthwith make out his Warrant to bring the Person so accused of keeping a Bawdy-house, Gaming-house or other disorderly House, before him, and shall bind him or her over to appear at such General or Quarter Session or Assizes, there to answer to such Bill of Indictment as shall be found against him or her for such Offence; and such

No. 10. Justice shall and may, if in his Discretion he thinks fit, likewise demand and take Security for such Person's good Behaviour in the mean time, and until such Indictment shall be found, heard and determined, or be returned by the Grand Jury not to be a true Bill.

25 George II. c. 36.
Constable neglecting his Duty forfeits 20*l.*

VII. Provided also, That in case such Constable shall neglect or refuse, upon such Notice, to go before any Justice of the Peace, or to enter into such Recognizance, or shall be wilfully negligent in carrying on the said Prosecution, he shall for every such Offence forfeit the Sum of twenty Pounds to each of such Inhabitants so giving Notice as aforesaid.

VIII. And whereas, by reason of the many subtle and crafty Contrivances of Persons keeping Bawdy-houses, Gaming-houses or other disorderly Houses, it is difficult to prove who is the real Owner or Keeper thereof, by which Means many notorious Offenders have escaped Punishment; Be it enacted by the Authority aforesaid, That any Person who shall at any Time hereafter appear, act or behave him or herself as Master or Mistress, or as the Person having the Care, Government or Management of any Bawdy-house, Gaming-house or other disorderly House, shall be deemed and taken to be the Keeper thereof, and shall be liable to be prosecuted and punished as such, notwithstanding he or she shall not in Fact be the real Owner or Keeper thereof.

Who shall be deemed the Keeper of such Bawdy-house, &c.

Evidence may be given by an Inhabitant, &c.

IX. Provided nevertheless, That upon any such Prosecution against any Person for keeping a Bawdy-house, Gaming-house or other disorderly House, any Person may give Evidence against the Defendant or on Behalf of the Defendant in such Prosecution, notwithstanding his or her being an Inhabitant or Parishioner of the said Parish or Place, or having entered into such Recognizance as aforesaid.

Indictment not removable by Certiorari.

X. And be it further enacted by the Authority aforesaid, That no Indictment which shall at any Time after the said first Day of June be preferred against any Person for keeping a Bawdy-house, Gaming-house or other disorderly House, shall be removed by any Writ of Certiorari into any other Court; but such Indictment shall be heard, tried and finally determined, at the same General or Quarter Session or Assizes, where such Indictment shall have been preferred (unless the Court shall think proper, upon Cause shewn, to adjourn the same) any such Writ or Allowance thereof notwithstanding.

In Prosecutions for Felony;

Court may make Orders for Payment of the Prosecutor's Expenses;

XI. And whereas many Persons are deterred from prosecuting Persons guilty of Felony, upon account of the Expence attending such Prosecution, which is another great Cause and Encouragement of Thefts and Robberies; In order therefore to encourage the bringing Offenders to Justice, Be it enacted by the Authority aforesaid, That it shall and may be in the Power of the Court, before whom any Person has been tried and convicted of any Grand or Petit Larceny, or other Felony, at the Prayer of the Prosecutor, and on Consideration of his Circumstances, to order the Treasurer of the County in which the Offence shall have been committed, to pay unto such

Prosecutor such Sum of Money as to the said Court shall seem reasonable, not exceeding the Expences which it shall appear to the Court the Prosecutor was put unto in carrying on such Prosecution, making him a reasonable Allowance for his Time and Trouble therem; which Order the Clerk of Assize, or Clerks' Fee for Clerk of the Peace respectively, is hereby directed and required forthwith to make out and to deliver unto such Prosecutor, upon being paid for the same the Sum of one Shilling, and no more; and the Treasurer of the County is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Prosecutor, or other Person authorized to receive the same, such Sum of Money as aforesaid, and shall be allowed the same in his Accounts.

No. 10.
25 George II.
c. 30.

County Tre-
surer to pay the
Order.

XII. And, for the better discovering and bringing to Justice Thieves, Robbers and other Persons maintaining themselves by pilfering and defrauding Mankind; Be it enacted by Vagabonds and the Authority aforesaid, That it shall and may be lawful to and for any two or more of his Majesty's Justices of the Peace, in any County, City or Liberty, in case any Person apprehended upon any general Privy Search, or by virtue of any special Warrant, shall be charged before them with being a Rogue and Vagabond, or an idle and disorderly Person, or with Suspicion of Felony, (although no direct Proof be then made thereof) to examine such Person upon Oath, not only as to the Parish or Place where he was last legally settled, but also as to his Means of Livelihood; the Substance of which Examination shall be put into Writing, and be subscribed or signed by the Person so examined; and the said Justices shall likewise sign the Examination, and transmit it to the next General or Quarter Sessions of the Peace to be holden for the same County, City or Liberty, there to be filed, and to be kept on Record: And if such Person shall not make it appear to such Justices, that he has a lawful Way of getting his Livelihood, or shall not procure some responsible Housekeeper to appear to his Character, and give Security for his Appearance before such Justices at some other Day to be fixed for that Purpose (in case the same shall be required) to commit such Person to some Prison or House of Correction, for any Time not exceeding six Days; and in the mean time to order the Overseers of the Poor, or one of them, of the Parish or Place in which such Person shall be apprehended, to insert an Advertisement in some publick Paper, describing such suspicious Person, and any Thing or Things which shall have been found upon him, or in his Custody, and published, de-mentioning the Place to which such Person is committed, and specifying the Time and Place when and where such Person is on him. to be again brought before them to be re-examined; and if no Accusation shall be then laid against him, then such Person shall be discharged, or otherwise dealt with according to Law.

XIII. And be it further enacted by the Authority aforesaid, That any Person intitled to any of the Forfeitures by this Act imposed, may sue for the same by Action of Debt,

No. 10.
25 George II.
c. 36.

in any of his Majesty's Courts of Record at Westminster, in which it shall be sufficient to declare, That the Defendant is indebted to the Plaintiff in the Sum of being forfeited by an Act, intituled, "An Act for the better preventing Thefts and Robberies, and for regulating Places of publick Entertainment, and punishing Persons keeping disorderly Houses;" and the Plaintiff, if he recover in any such Action, shall have his full Costs.

Costs.

Limitation of Actions.

XIV. Provided, That no Action shall be brought by virtue of this Act, unless the same shall be commenced within the Space of six Calendar Months after the Offence committed.

Act to be in Force for 3 Years.

XV. And be it further enacted by the Authority aforesaid, That this Act shall continue in Force until the Expiration of three Years, to be computed from the first Day of this Session of Parliament; and from thence to the End of the then next Session of Parliament, and no longer. [Made perpetual 28 Geo. 2. c. 19.]

PART V. CLASS XXIII.

MAINTENANCE—CHAMPERTY—LIVERIES.

No. 1.

3 Edward I. c. 25.—None shall commit Champerty, to have Part of the Thing in Question.

[Inserted Part III. Cl. X. No. 1]

No. 2.

Edward I. c. 28.—Clerks shall not commit Maintenance.*

Cotton MS.

ET qe nul Clerc le Roi, ne de ses Justices, ne receve desoremes presentement desglise, dount plei ou contek soit en la Court le Roi, saunz especial congie le Roi; & ceo defend il sur peine de perdre son service: Et que nul Clerc de Justice, ne de Viscont, ne mainteigne parties en quereles, nem busoignes qe sont en la Court le Roi ne fraude ne face, pur commune droiture delaier ou destourber; & si nul le fait, ill serra puny per la peine prosccheinement avaunt

AND that none of the King's Clerks, nor of any Justicer, from henceforth shall receive the Presentment of any Church, for any Matter which any Plea or Debate pending in the King's Court, without special Licence of the King; and that the King forbiddeth, upon Pain to lose the Church and his Service: And that no Clerk of any Justicer, or Sheriff, take Part in any Quarrels of Matters depending in the King's Court, nor shall work any

No. 2.
3 Edward I.
c. 28.

* The Offences of Maintenance and Champerty are often confounded, and indiscriminately used; but Champerty signifies a Bargain with the Plaintiff or Defendant in any Suit, to have Part of the Land, Debt, or other Thing on Suit, if the Party that undertakes it prevails therein. Maintenance is the unlawful upholding a Cause or Person, or the buying of pretended Rights to Lands, &c. Every Champerty, as Lord Coke observes, is Maintenance; but every Maintenance is not Champerty; for Champerty is but a species of Maintenance, which is the Genus.—*Note to Rungin's Statutes.*

Cotton MS.

No. 2. ' Fraud, whereby common
 3 Edward I. ' Right may be delayed or dis- | dite, ou per plus grevous, si
 c. 28. ' turbed; and if any so do, he | le trespass le request.
 ' shall be punished by the Pain |
 ' aforesaid, or more grievous- |
 ' ly, if the Trespass do so re- |
 ' quire.'

No. 3.

3 Edward I. c. 33.—No Maintainers of Quarrels shall be suffered.

No. 4.

13 Edward I. c. 49.—The Penalty for buying the Title of Land depending in Suit. A Remedy for Suits where the Law faileth.

[Inserted Pt. III. Cl. X. No. 2.]

No. 5.

26 Edward I. st. 3. c. 11.—Nothing shall be taken to maintain any Matter in Suit.

No. 6.

33 Edward I. st. 2.—Who be Conspirators, and who be Champertors.

[See the next Class.]

No. 7.

33 Edward I. st. 3.—The Punishment of such as commit Champerty.

No. 7. " WHERE it is contained Cotton MS. *Claudius D. 2.*
 33 Edward I. st. 3. " in our Statute, that COME contenu soit en nos-
 " none of our Court shall take me en nostre Courte nem-
 " any Plea to Champerty by preigne plai en Champart ne
 " Craft nor by Engine; and per arts ne per engine et Coun-
 " that no Pledgers, Apprentises, tours Attorneyes Apprentis Se-
 " Attornies, Stewards of great neschalx Bailliffs a hautes hom-
 " Men, Bailiffs, nor any other mes et autres de la terre ja

Colton MS. *Claudius D. 2.*

empernent a champet et per "of the Realm, shall take for
auties bars touz maneres de "Maintenance, or the like No. 7.
plees encountre toute manere "Bargain, any Manner of Suit
de gent perount toute la terre "or Plea against other, where
est trop greve et riches et po- "by all the Realm is much
vres sont travailles en moltz "grieved, and both Rich and
maneres. "Poor troubled in divers Man-

Purveu est per commune "ners;" it is provided by a
Acorde qe touz ceux qe de- common Accord, That all
soremes serront atteintz de such as from henceforth shall
tiels emprises seutes et bar- be attainted of such Emprises,
gaines et ceux qe a tel chose Suits, or Bargains, and such
se assenteront eient la prisone as consent thereunto, shall
le Roi de trois annz et nepr- have Imprisonment of three
gaunt serront reint a la volunte Years, and shall make Fine
le Rov. at the King's Pleasure. Given
at Berwick upon Tweed the

twentieth Year of the Reign of King Edward. Our Lord the
King, at the Information of Gilbert Rowbery, Clerk of his
Council, hath commanded, That whosoever will complain
himself of Conspirators, Inventors, and Maintainors of false
Quarrels, and Partakers thereof, and Brokers of Debates,
that Gilbert Thornton shall cause them to be attached by his
Writ, that they be before our Sovereign Lord the King, to
answer unto the Plaintiffs by this Writ following:

II. Rex vic' salutem. Præcipimus tibi, quod si A. de G. Writ of Con-
fecerit te securum de clamore suo prosequendo tunc pone per
vadium et salvos plegios G. de C. quod sit coram nobis in Anglia,
ad respondendum prædicto A. de placito con spirationis et
transgressionis, secundum ordinationem nostram nuper inde
provisam, sicut idem A. rationabiliter monstrare poterit,
quod ei inde respondere debeat, et habeas ibi nomina plegi-
orum et hoc breve. Teste, &c.

No. 8.

1 Edward III. st. 2. c. 14.—None shall commit Maintenance.

No. 9.

4 Edward III. c. 11.—Justices of Assises, &c. shall en- P.
quire of Maintainers, Conspirators, and Champertors.

Ex Rot. in Turr. Lond.

ITEM pur ceo qe avant ces hours. plusours gentz du Roialme auxibien grantz come autres ount fait alliance con- "ITEM, Where in Times past divers People of the Realm, as well great Men as other, have made Alli-

P.

No. 9.
4 Edward III.
c. 11.

Ex Rot. in Turr. Lond.

No. 9. "ances, Confederacies, and
4 Edward III. c. 11. "Conspiracies, to maintain
"Parties, {Pleas, and Quar-
"rels, whereby divers have
"been wrongfully disinherit-
"ed, and some ransomed and
"destroyed, and some forfeited
"to be maimed and beaten, durst
"not sue for their Right, nor
"complain, nor the Jurors of
"Inquests give their Verdicts,
"to the great Hurt of the Peo-
"ple, and Slander of the Law,
"and common Right;" 'it is
'accorded,' &c.

federacie et conspiracie a
meyntenir parties plez et
querels par oint plusours
gentz oint este atort desheri-
tez et a-cuns rientz et destruz
et ascuns pur doute destre ma-
heimez et batuz noserent pas
scuyr lour droit ne pleindre ne
les jurours des enquestes lour
verditz dire a grant damage du
poeple et arerissement de la lei
et de commune droit si est
acorde, &c.

No. 10.

20 Edward III. c. 4.—None shall maintain any Quarrels,
but their own.

No. 11.

20 Edward III. c. 5.—Lords and Great Men shall put
those out of their Services, which be Maintainers of
Quarrels.

No. 12.

1 Richard II. c. 4.—The several Penalties of several Per-
sons that do maintain Quarrels.

No. 13.

16 Richard II. c. 4.—Who may only wear another's
Livery.

No. 14.

20 Richard II. c. 2.—Who only may wear another's
Livery.

No. 15.

- 1 Henry IV. c. 7.—The Penalty for unlawful giving or wearing of Liveries. Who may wear the King's Liveries, and in what Places. To what Persons only Liveries may be given.

No. 16..

- 2 Henry IV. c. 21.—No Lord shall give any Livery or Sign to any Knight, Esquire, or Yeoman.

No. 17.

- 7 Henry IV. c. 14.—The Statute of 1 Hen. 4. c. 7. and 1 Rich. 2. c. 7. touching the giving and taking of Liveries, confirmed. No Congregation or Company shall make any Livery of Cloth or Hats.

No. 18.

- 13 Henry IV. c. 3.—A Confirmation of several Statutes of 1 Hen. 4. *cap. 7.* 7 Hen. 4. *cap. 12.* & 1 Rich. 2. *cap. 7.* touching giving and taking of Liveries.

No. 19.

- 32 Henry VIII. c. 9.—The Bill of Bracery and buying of Titles.

[Inserted Pt. III. Cl. X. No. 3]

PART V. CLASS XXIV.**MISCELLANEOUS OFFENCES.*****No. 1.**

3 Edward I. c. 26.—None of the King's Officers shall commit Extortion.

No. 2.

3 Edward I. c. 27.—Clerks of Officers shall not commit Extortion.

No. 3.

28 Edward I. c. 10.—The Remedy against Conspirators, false Informers, and Embraceis of Jurors.

Ex Rot. in Turr: Lond.

No. 3.
28 Edward I. c. 10.

IN Right of Conspirators, false Informers and evil Procurers of Dozens, Assises, Inquests and Juries, the King hath provided Remedy for the Plaintiffs by a Writ out of the Chancery. And notwithstanding, he willeth that his Justices of the one Bench and of the other, and Justices

EN droit des conspirateurs faux enfourmours e mauvais procureurs des duzeines enquestes assises e jurees le Roi ad ordene remedie as plaintifs par bref de Chancelerie. E ja dumeins voet qe ses Justices de lun banc e de lautre e Justices prendre assignes auant il viengnat en pais

* Most of the Statutes mentioned in this Class are at present of no practical Importance, or otherwise are inserted in preceding Parts of the Work; and the Titles, and in a few Instances the Statutes themselves, are only inserted for the Sake of giving a general Intimation of the Course and Progress of the Law upon the Subjects mentioned.

Ex Rot. in Turr. Lond.

a fere leur office de ceo facent
leur enquestes a chescuny
plainte santez bref e santez delai
e facent droit as plaintifs.

' assigned to take Assises, No. 3.
' when they come into the
' Country to do their Office,
28 Edward I.
' shall, upon every Plaintiff
' made unto them, award In-
' quests thereupon without
' Writ, and shall do Right
' unto the Plaintiffs without
' Delay.'

No. 4.

33 Edward I. st. 2.—Who be Conspirators, and who be Champertors.

Cotton MS. Claudius, D. 2.

CONSPIRATORS sount
ceux qui se entrelient per
serement covenant ou per au-
tre alliance qe chescun eidera
& sustendra autri emprise de
faustement & malicieusement
enditer ou faire enditer ou fau-
sement mover plees ou mainte-
nir & auxi ceux qui sount en-
fauntz deinz age appeller les
gentz des felonies per quoi ils
sount en prisonez & moult
grevez & ceux qui retiengront
gentz a lour robes & a lour
fees pur maintenir lour melveis
emprises & pur verite estein-
dre auxibien les pernours com-
me les donours & Seneschalx
& Bailiffs des grauntz Seignurs
qui per lour seignurie office ou
poer emprentent a meintenir ou
a sustenir plees ou baretz pur
autres parties que cels qe tou-
chent lestat lour seignur ou eux
mesmes.

Ista ordinacio & finalis
diffinicio Conspiratorum facta
fuit & finaliter concordata per
Regem & consilium suum in
parliamento suo anno tricesimo
tercio & ordinatum est quod
Justic' assignaret ad diversas
felonias & transgressiones

CONSPIRATORS be they
that do confeder or
bind themselves by Oath,
Covenant, or other Alliance,
that every of them shall aid
and bear the other falsly and
maliciously to iagite, or cause
to indite, or falsly to move
or maintain Pleas; and also
such as cause Children within
Age to appeal Men of Felo-
ny, whereby they are impri-
soned and sore grieved; and
such as retain Men in the
Country with Lives or Fees
to maintain their malicious
Enterprises; and this ex-
tendeth as well to the Takers,
as to the Givers. And Stew-
ards and Bailiffs of great
Lords, which by their Seig-
nory, Office, or Power, un-
dertake to bear or maintain
Quarrels, Pleas, or Debates,
that concern other Parties
than such as touch the Estate
of their Lords or themselves.
This Ordinance and final
Definition of Conspirators
was made and accorded by
the King and his Council in
his Parliament the thirty-
third Year of his Reign. And

No. 4.
33 Edward I.
st. 2.

Cotton MS.

No. 4. 'it was further ordained, That audiend' & terminand' habeant
 33 Edward I. 'Justices assigned to the hear- transcriptum.
 st. 2. 'sting and determining of Felo-
 'nies and Trespasses, shold
 'have the Transcript hereof.'

No. 5.

5 Edward III. c. 10.—The Punishment of a Jaror that
 is Ambidexter, and taketh Money.

No. 6.

10 Edward III. st. 3.—Statutum de Cibariis utendis,
 editum apud Nottingham.

Ex Rot. in Turr. Lond. m. 24 D.

No. 6. PUR ce qe avant ces heures par outrajoues et trop des
 10 Edward III. maneres des coustouses viandes qe les gentz du Roialme
 st. 3. ont usez plus qe nul part aillours moultz des mescheefz sont
 avenuz as gentz du dit Roialme. Car les grantz par ticles
 outrages ont estez moult grevez et les menes gentz qe saffor-
 cent solement de contrefaire les grantz en tel manere des
 viandes sont moult empovres dont ils nont poair daider as eux
 meismes ne a lour liege Seignur en temps de busoigne sicome
 ils deivent. Et autres assez des mals sont avenuz auxibien as
 alnies come as corps et les sudsites choses et grevances pro-
 posez et monstrez devant nostre Seignur le Roy en son grand
 conseil tenu a Notyngh' Lundy proschein apres la feste de Saint
 Matheu Apostole lan de son regne disme supplie feust par les
 Prelatz Countes Barons et les communalitez de son Roialme
 illoeques assemblez per ses mandementz qil vousist sur ce pur
 profit de son people ordener remede covenable nostre dit
 Seignur le Roi desirant commune profit auxibien de grantz
 come de son commune people de son Roialme et considerantz
 les mals grevances et meschiefs avanditz par commune assent
 des Seigneurs et communes sudsitz qe illoeques estient a loneur
 de Dieu et lamendement de l'estat de la commune de son
 Roialme ad ordene qe nul de quel estat ou condition qil soit se
 face servir en son houstel ne nulle part aillour a diner manger
 ne souper ne nul autre temps forsqe de deux cours et chescun
 mees de deux maners des viandes a plus soient ils des chares
 ou de pesshons ove communes pottages sauns sawes ou autre
 manere de viande et si nul home voet avoir sawes pur meese
 les eit si qils ne soient faitz de grantz coustomes et chares ou
 person y deivent estre mys ne soit mys forsqe deux maners ou
 de chares ou de pesshon a plus et estoise en lieu de meese
 forspris le plus grantz festes del an cest assavoir la veille et le
 jour de Noel le jour de Saint Estiephne le jour del an renœf

.Ex Rot. in Turr. Lond.

les jours de la Tiphaynei et de la Purification de nostre Dame No. 6.
 et la veile et le jour de Pasche et lendemain del dit jour de to Edward III.
 l'asque et le jour d'ascension le jour de la Pentecost et len-
 demain le jour de la Trinitate le jour de la Nativitee de Saint
 Johan le jour de Saint Pie et de Saint Paul les jours del
 Assumption et la Nativitee nostre Dame et le jour de toutz
 Seintz at eus festes et jours chescun se puisse servir de trois
 cours ou plus en la manere avantdit. Et voet nostre Seignur
 le Roi et commande par assent avantdit qe cestes ordenance
 et estatut commençant de tenir par tout le roialme le Lundy
 proschein apres la feste de Toutz Seintz prochein avenir et
 soient criez en chescun Conte et qe chescun de quel estat qil
 soit sanz nul froprendre les avantditz ordenances et estatutz
 garde et tiegne en la forme et manere susditz sans ajouture ou
 fraude faire a yeeles par cautele art ou engyn ou par interpreta-
 tion de piroles ou queconques autres colours que sur la soy et
 liegeance qils deiveut a nostre dit Seignur le Roi et a ses lieirs
 Rois d'Engleterre et sicoine ils ayment le honou de Dieu et
 auxint le honur et profit du Roi et profit du roialme avantdit
 et sur le peril qappent si nul soit trove fesant le contrare de
 chose qest fait par commune assent de touz et pur si graunt
 profit du roialme.

REX vic' Ebor' salutem. Quedam ordinationem et statu-
 tum per nos in magno concilio nostro apud Notingham
 die Lune prox' post festum sancti Michaelis archangeli prox'
 preterito convocato de assensu prelatorum comitum baronum
 et totius communitalis regni nostri ibidem existentium ad com-
 munem utilitatem tam prelatorum et magnatum quam populi
 ejusdem regni edita tibi mittimus sub sigillo nostro consignata
 mandantes quod ordinationem et statutum illa in pleno comitatu
 tuo ac in civitatibus burgis villis mercatoris et alijs locis in
 balliva tua ubi expedire videris tam infra libertates quam extra
 legi et publice proclaimari et quantum in te est firmiter obser-
 vari facias. T. R. apud Augland xv die Octobr'.

Per ipsum Regem.

No. 7.

11 Edward III. c. 2.—None shall wear any Cloth, but
 such as is made in *England*.

No. 8.

11 Edward III. c. 3.—No Clothes made beyond the Sea
 shall be brought into the King's Dominions.

No. 9.

11 Edward III. c. 4.—Who only may wear Furs.

No. 10.

25 Edward III. st. 4. c. 3.—The Penalty of him that doth forestall Wares, Merchandise, or Victual.

No. 11.

28 Edward III. c. 5.—No Iron shall be carried forth of the Realm,

No. 12.

34 Edward III. c. 8.—The Penalty of a Juror taking Reward to give his Verdict.

No. 13.

37 Edward III. c. 5.—Merchants shall not ingross Merchandises to enhance the Prices of them, nor use but one Sort of Merchandise.

No. 14.

37 Edward III. c. 8.—The Diet and Apparel of Servants.

No. 15.

37 Edward III. c. 9.—The Apparel of Handicraftsmen and Yeomen, and of their Wives and Children.

No. 16.

37 Edward III. c. 10.—What Apparel Gentlemen under the Estate of Knights, and what Esquires of two hundred Mark Land, &c. may wear, and what their Wives and Children,

No. 17.

- 37 Edward III. c. 11.—The Apparel of Merchants, Citizens, Burgesses, and Handicraftsmen.

No. 18.

- 37 Edward III. c. 12.—The Apparel of Knights which have Lands within the yearly Value of two hundred Marks, and of Knights and Ladies which have four hundred Mark Land.

No. 19.

- 37 Edward III. c. 13.—The Apparel of several Sorts of Clerks.

No. 20.

- 37 Edward III. c. 14.—The Apparel of Ploughmen, and other of mean Estate; and the Forfeitures of Offenders against this Ordinance.

No. 21.

- 37 Edward III. c. 15.—Clothiers shall make Cloths sufficient of the foresaid Prices, so that this Statute for Default of such Cloths be in no wise infringed.

No. 22.

- 38 Edward III. c. 6.—A Repeal of the Felony imposed by Stat. 27 Ed. 3. Stat. 2. c. 3. for transporting of Wooll, &c. by Englishmen; but the Forfeiture of Lands and Goods shall stand.

No. 23.

- 38 Edward III. c. 9.—The Punishment of him which proveth not his Suggestion made to the King.

No. 24.

- 38 Edward III. c. 12.—The Punishment of a Juror taking Reward to give Verdict, and of Embraceors.

No. 25.

8 Richard II. c. 4. — The Penalty if a Judge or Clerk make a false Entry, rase a Roll, or change a Verdict.

No. 26.

5 Henry IV. c. 4. — It shall be Felony to use the Craft of Multiplication of Gold or Silver.

No. 27.

5 Henry IV. c. 6. — The Penalty for making an Assault upon any Servant of any Knight in Parliament.

No. 28.

4 Henry V. c. 3. — No Man shall make any Pattens of Asp, upon Pain of an hundred Shillings.

No. 29.

3 Henry VI. c. 1. — Masons shall not confederate themselves in Chapters and Assemblies.

No. 30.

20 Henry VI. c. 11. — A Repeal of so much of the Statute of 2 Hen. 5. Stat. 1. cap. 6. as making the breaking of Truce and Safe Conducts High Treason.

No. 31.

27 Henry VI. c. 5. — Certain Days wherein Fairs and Markets ought not to be kept.

No. 32.

1 Henry VIII. c. 14. — A Repeal of all former Statutes made against Excess of Apparel; and what Kind of Apparel Men of all Degrees and Callings are allowed, and what prohibited to wear.

No. 33.

7 Henry VIII. c. 6.—An Act concerning Apparel.

[A Repeal of the Statute made *Anno 6 H. 8. c. 1.* and of all other Statutes made for Apparel before it. What Kind of Apparel Temporal Men of all Degrees and Estates are allowed, and what prohibited, to wear, and upon what Penalties, and who shall have the Forfeiture, and by what Means they shall be recovered.]

No. 34.

24 Henry VIII. c. 3.—An Act for Flesh to be sold by Weight, and the Prises set down.

[Beef, Pork, Mutton and Veal shall be sold by Weight called *Haver-de-pois*. No Person shall take for a Pound of Beef or Pork above ob. nor for a Pound of Mutton or Veal above ob. q. and less in those Counties where they be sold for less.]

No. 35.

25 Henry VIII. c. 13.—Concerning the Number of Sheep one should keep.

No. 36.

25 Henry VIII. c. 17.—An Act concerning shooting in Cross-bows and Hand-guns.

[Whosoever shall shoot in any Hand-gun or Cross-bow, or keep any in his House, except he has Land, Annuities or Offices, to the yearly Value of an hundred Pounds, shall forfeit ten Pounds for every Offence;—(2.) and a Justice of the Peace may commit the Offender to the Gaol until he hath paid the same Forfeiture.—(3.) All former Placards made to shoot in either of them shall be void.]

No. 37.

32 Henry VIII. c. 10.—An Act for the Moderation of the Punishment of the Incontinency of Priests and Women offending with them.

[A Repeal of the Punishment by Death of Priests married or unmarried, and of Women offending with them by Incontinency, limited by the Statute of 31 H. 8. c. 14. A Priest offending by Incontinency, and convict according to the Laws mentioned in 31 H. 8. c. 14, shall the first Time forfeit to the King all his Goods, Chattels, Debts, and all his Spiritual Promotions, saving one; and being the second Time convict, he shall forfeit all his Goods, Chattels, Debts, and the Issue and Profits of all his Lands, Benefices and Promotions; and being the third Time convict, shall forfeit all his Goods, Debts, Lands, Benefices, &c. and be imprisoned during his Life: And the Woman, if married, shall be imprisoned during Life; but being unmarried, she shall, the first Time she is convict, forfeit all her Goods, Chattels and Debts; the second Time, the Moiety of the Issues of her Lands during her Life; and the third Time, the whole Issues and Profits of all her Lands,

&c., and shall be imprisoned during her Life. [The Stat. 31 H. 8. c. 14. and the Laws of Conviction therein mentioned being repealed by 1 Edw. 6. c. 12. this Statute is obsolete.]

No. 38.

33 Henry VIII. c. 9.—The Bill for the maintaining Artillery, and the Debarring of unlawful Games.

[See 3, Pt. VI. Cl. XX. No. 1.]

No. 39.

33 Henry VIII. c. 14.—An Act concerning false Prophesies upon Declaration of Names, Arms or Badges.

[It shall be Felony to declare any false Prophecy upon occasion of Arms, Fields, Letters, &c.]

No. 40.

34 and 35 Henry VIII. c. 6.—An Act for the true making of Pins.

[No Person shall put to Sale any Pins, but only such as shall be double-headed, and have the Heads soldered fast to the Shank of the Pin, well smoothed, the Shank well shaven, the Point well and round filed, cauted and sharpened.]

No. 41.

37 Henry VIII. c. 13.—An Act repealing the Act made for Pins.

No. 42.

2 and 3 Edward VI. c. 15.—The Bill of Conspiracies of Victuallers and Craftsmen.

No. 43.

3 and 4 Edward VI. c. 9.—An Act for the buying of raw Hides and Calves Skins.

[No Person shall buy any raw Hides or Calves Skins, to sell again untanned, upon Pain to forfeit for every Skin vj. s. viij. d. R E P. 5 El. c. 8, and 1 Jac. I. c. 22.]

No. 44.

3 and 4 Edward VI. c. 15.—An Act against fond and fantastical Prophecies.

[The Penalty for publishing any false Prophecy upon Occasion of Arms, Fields, &c. to the Intent to make Dissent, &c. shall be for the first Offence, one Year's Imprisonment, and the Forfeiture of x l. and for the second Offence, the Forfeiture of all his Goods, and Imprisonment during his Life. EXP. 7 Ed. 6. c. 11. 33 H. 8. c. 14. 5 El. c. 15.]

No. 45.

5 and 6 Edward VI. c. 14.—An Act against Regrators, Forcetallers and Ingrossers.

No. 46.

5 and 6 Edward VI. c. 16.—Against Buying and Selling of Offices.

[Inserted Pt. III. Cl. IX.]

No. 47.

7 Edward VI. c. 5.—The Act to avoid the excessive Prices of Wine. p.

For the avoiding of many Inconveniences, much evil Rule and common Resort of misrule Persons used and frequented in many Taverns of late newly set up in very great Number in Back-lanes, Corners and suspicious Places within the City of London, and in divers other Towns and Villages within this Realm; Be it enacted by the Authority of this present Parliament, That no Person or Persons whatsoever, inhabiting within any of the King's Majesty's Dominions of England and Wales, shall after the Feast of St. Michael the Archangel next coming, utter by Retail by small Measure, that is to say, by Gallon, or any other Measure of greater or lesser Quantit, any Wines called *Guscoign*, *Guyon* or *French* Wines, but after the Rate of viij. d. the Gallon at the most, by any Manner of Means, Colour, Engine or Craft: Nor any *Rochel* Wines at greater Prices or Valuation than after the Rate of iv. d. the Gallon at the most: Nor any other Wine or Wines at greater Price or Valuation than after the Rate of xii. d. the Gallon at the most; upon Pain that every Person doing the contrary shall forfeit for every such Offence five Pounds of lawful Money of England.

No. 47.
Edward VI.
c. 5.

At what Prices shall be sold, and at what Appoint ment the Price down.
Repealed as to the Price of Rochel Wines by 1. c. 25. (42.)

No. 48.

- 1 and 2 Philip and Mary, c. 3.—An Act against seditious Words and Rumours.

No. 49.

- 1 Elizabeth, c. 6.—An Act for the Explanation of the Statute of seditious Words and Rumours.

[The Penalty mentioned in the Statute of 1 & 2 P. & M. c. 3. for speaking false slanderous News of the King or Queen, or for committing any of the Offences expressed in the said Act, shall be expounded to extend to the Queen that now is, and to the Heirs of her Body. EXP.]

No. 50.

- 1 Elizabeth, c. 10.—An Act that the carrying of Leather, Tallow or raw Hides, out of the Realm for Merchandizes, shall be Felony.

[It shall be Felony to convey, or procure to be conveyed, into any Ship or other Vessel, any Leather Tanned or Untanned, or any Salt or Untanned Hides, or any Backs of Sole-Leather, or any Tallow, to the Intent to transport the same over the Sea, to be sold by Way of Merchandise. REP. 18 Eliz. c. 9.]

No. 51.

- 1 Elizabeth, c. 15.—An Act that Timber shall not be felled to make Coals for burning of Iron.

No. 52.

- 5 Elizabeth, c. 15.—An Act against fond and fantastical Prophecies.

No. 53.

- 5 Elizabeth, c. 20.—An Act for the Punishment of Vagabonds, calling themselves *Egyptians*.

No. 54.

- 13 Elizabeth, c. 3.—An Act against Fugitives over the Sea.

[If any born within this Realm, or made Free Denizen, hath departed or shall depart the Realm without the Queen's Licence under the Great or Privy Seal, and shall not return again within six Months after Warning by

Proclamation, he shall forfeit to the Queen the Profits of all his Lands during his Life, and also all his Goods and Chattels. The like Penalty he shall sustain, which having Licence shall not return within six Months after his Licence expired. The Offender shall have Restitution upon Submission of Fraudulent Assurances made by Fugitives of their Lands and Goods to deceiveth the Queen, shall be void. EXP. 5 R. 2. Stat. 1. c. 1. 12 R. 2. c. 14 El. c. 6.]

No. 55.

43 Elizabeth, c. 13.—An Act for the more peaceable Government of the Parts of *Cumberland, Northumberland, Westmorland, and the Bishoprick of Dumesme*.

FORASMUCH as now of late Years very many of her Majesty's Subjects dwelling and inhabiting within the Counties of *Cumberland, Northumberland, Westmorland, and the Bishoprick of Dumesme*, have been taken, some forth of their own Houses, and some in travelling by the Highway, or otherwise, and carried out of the same Counties, or to some other Places within some of the said several Counties, as Prisoners, and kept barbarously and cruelly until they have been redeemed by great Ransoms: And where now of Several outragous Misdemeanors committed in those Parts there have been many Incursions, Roads, Robberies, and burning and spoiling of Towns, Villages and houses within the said Counties, that divers and sundry of her Majesty's loving Subjects within the said Counties, and the Inhabitants of divers Towns there, have been forced to pay a certain Rate of Money, Corn, Cattle or other Consideration, commonly there called by the Name of *Black-mail*, unto divers and sundry inhabiting upon or near the Borders, being Men of Name, and friendes and allied with divers in those Parts, who are commonly known to be great Robbers and Spoil-takers within the said Counties, to the End thereby to be by them freed, protected and kept in Safety from the Danger of such as do usually rob and steal in those Parts: By reason whereof, many of the Inhabitants thereabouts being her Majesty's Tenants, or other good Subjects, are much impoverished, and Theft and Robbery much increased, and the Maintainers thereof greatly encouraged, and the Service of those Borders and Frontiers much weakened and decayed, and divers Towns thereabouts much dispeopled and laid waste, and her Majesty's own Revenue greatly diminished: Which heinous and outrageous Misdemeanors there cannot so well by the Ordinary Officers of her Majesty in those Parts be speedily prevented or suppressed, without further Provision of Law.

II. For Remedy whereof, Be it enacted by the Authority Carrying away or detaining any Person against his Will, of this present Parliament, That whosoever shall at any Time hereafter, without good and lawful Warrant and Authority, take any of her Majesty's Subjects agaist his or their Will or Wills, and carry them out of the same Counties, or to any other

No. 55. Place within any of the said Counties, or detain, force or imprison him or them as Prisoners, or against his or their Wills, to ransom them, or to make a Prey or Spoil of his or their Person or Goods, upon deadly Feud or otherwise: Or whosoever shall be privy, consenting, aiding or assisting unto any such taking, detaining or carrying away, or procure the taking, detaining or carrying away, of any such Person or Persons Prisoners as aforesaid: Or whosoever shall take, receive or carry, to the Use of himself, or wittingly to the Use of any other, any Money, Corn, Cattle or other Consideration, commonly called *Black-mail*, for the protecting or defending of him or them, or his or their Lands, Tenements, Goods or Chattels, from such Thefts, Spoils and Robberies, as is aforesaid: Or whosoever shall give any such Money, Corn, Cattle or other Consideration, called *Black-mail*, for such Protection as is aforesaid: Or shall wilfully and of Malice burn or cause to be burned, or aid, procure or consent to the burning of any Barn or Stack of Corn or Grain, within any the said Counties or Places aforesaid; and shall be of the said several Offences, or any of them indicted, and lawfully convicted, or shall stand mute, or shall challenge peremptorily above the Number of twenty before the Justices of Assizes, Justices of Gaol-delivery, Justices of *Oyer* and *Terminer*, or Justices of Peace within any of the said Counties, at some of their General Sessions within some of the said Counties to be holden; shall be reputed, adjudged and taken to be as Felons, and shall suffer Pains of Death, without any Benefit of Clergy, Sanctuary or Abjuration, and shall forfeit as in Case of Felony.

III. And where divers and sundry Persons within the said Counties, being indicted and outlawed for Murders, Robberies, Burglaries or other Felonies, do notwithstanding ordinarily resort and come to Markets, Fairs and other publick Assemblies and Meetings, and do there converse, traffick and trade with other her Majesty's Subjects, and are entertained; and have the Privilege as Men, obedient to Laws, and yet do never yield themselves to Trial of Law, nor are apprehended; whereby the ordinary Proceeding of Law, and Execution of Justice in those Parts are grown now into very great Contempt;

IV. Be it therefore likewise further enacted, That every Clerk of the Peace within every of the said Counties shall within the Space of two Months next after any Outlawry within any of the said Counties, deliver or cause to be delivered by Writing under his Hand, the Names of all and every such as are or shall be hereafter outlawed within their several Counties, to all and every the Sheriffs of the said several Counties: And all and every the said Sheriffs shall proclaim and publish them to be outlawed in their several County-Courts, and in the City of Carlile, the Towns of Penrith and Cockermouth, in the County of Cumberland, and in the Towns of Appulby and Kendal, in the County of Westmorland, and in the Town of Newcastle upon Tine, in the County of the Town of Newcastle upon Tine, and in the Towns of Morpeth, Alnewick

The Names of all Outlaws, shall be declared to the Sheriff.

Proclamation of the Outlaws.

and *Hexam*, in the County of *Northumberland*, and in the City of *Duresme*, and Towns of *Darlington*, *Bishop-dwickland* and *Bernard Castle*, within the Bishoprick of *Duresme*, and in the Town of *Berwick upon Tweed*; and that the said Sheriffs having Notice, as aforesaid, shall from Time to Time, once in the Month at their County-Court, proclaim every of the said Persons so outlawed, or hereafter to be outlawed, until they shall yield their Bodies to prison; And likewise that the Mayors, Bailiffs, Aldermen, and other Chief Officers, within the said several Cities and Towns, shall proclaim the like at every Fair or Fairs, to be kept within the said Cities or Towns, and once every six Weeks at their Markets.

No. 55.
45 Elizabeth,
c. 132.

V. And be it also enacted, That if any Person or Persons inhabiting within any the said several Counties shall wittingly and willingly have Conference, Talk, or in any Sort shall relieve, entertain or confer with any such Person or Persons so outlawed, or hereafter to be outlawed, for any such Murders, Robberies, Burglaries or other Felonies, having Knowledge of the same Outlawries, by reason of the same Proclamation or otherwise, and then shall not with convenient Speed do his best Endeavour to take and arrest any such Person or Persons so outlawed, or to be outlawed as is aforesaid, shall suffer Imprisonment by the Space of six Months, without Bail or Mainprize, and be bound with two sufficient Sureties for his good Behaviour for the Space of one Year after, before he be enlarged of his Imprisonment.

The Punish-
ment for reliev-
ing or confer-
ring with an
Outlaw for
Felony.

VI. And be it further enacted, That the Justices of Assise within any of the said Counties, Justices of Gaol- and Punishment delivery, Justices of *Oyer* and *Terminer*, or Justices of Peace within any of the said Counties, at any of their General Sessions, shall have Power and Authority by Virtue of this Act, to enquire hear and determine of the Offences and Defaults of the said Sheriffs, Mayors, Bailiffs, Aldermen and other Officers, and of the Clerks of the Peace within the said Counties, and proceed against them by Information or Indictment, and punish them by Fine, Imprisonment or otherwise, as they shall think fit.

The Enquiry
of the
Offenders.

VII. Provided always, That this Act nor any Thing therein contained, shall not extend to abridge or impeach the Jurisdiction or Authority of any the Lords Wardens of any the Marches of *England*, for and anent *Scotland*; any Thing in peached, this present Act to the contrary notwithstanding.

The Authority
of the Lords
Wardens shall
not be im-
peached.

No. 56.

1 James I. c. 12: — An Act against Conjuration, Witchcraft, and dealing with evil and wicked Spirits.

[The Penalty for practising of Invocation or Conjuration, &c. Conjuration or Invocation, whereby any Person is killed or lame. Declaring by Witchcraft where any Thing is hidden, proffering unlawful Love, &c. The second Offence Felony. No Forfeiture of Dower or Inheritance. Trial of a Peer of the Realm. REP. 9 Geo. 2. c. 5.]

No. 57.

5 James I. c. 21.—An Act to restrain the Abuses of Players.

No. 57.
3 James I. c. 21.
The Penalty of
Players on the
Stage, & pro-
phanely abusing
the Name of
God

FOR the preventing and avoiding of the great Abuse of the Holy Name of God in Stage-plays, Enterludes, May-games, Shews, and such like, Be it enacted by our Sovereign Lord the King's Majesty, and by the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That it at any Time or Times after the End of this present Session of Parliament, any Person or Persons do or shall in any Stage-play, Enterlude, Shew, May-game, or Pageant, jestingly or profanely speak or use the Holy Name of God, or of Christ Jesus, or of the Holy Ghost, or of the Trinity, which are not to be spoken but with Fear and Reverence, shall forfeit for every such Offence by him or them committed ten Pounds; the one Moiety thereof to the King's Majesty, his Heirs and Successors, the other Moiety thereof to him or them that will sue for the same in any Court of Record at Westminster, wherein no Leson, Protection, or Wager of Law shall be allowed.

No. 58.

21 James I. c. 3.—An Act concerning Monopolies and Dispensations with Penal Law, and the Forfeitures thereof.

[Inserted Part III. Class I. No. 1.] .

No. 59.

13 and 14 Charles II. c. 22.—An Act for preventing of Theft and Rapine upon the Northern Borders of England.

No. 60.

13 and 14 Charles II. c. 33.—An Act for preventing the frequent Abuses in printing seditious, treasonable and unlicensed Books and Pamphlets, and for regulating of Printing and Printing Presses.

No. 61.

10 William III. c. 2.—An Act to prevent the making or selling Buttons made of Cloth, Serge, Drugget, or other Stuffs.

No. 62.

- 7 Anne, c. 16.—An Act to prevent the laying of Wagers relating to the Public.

No. 63.

- 6 George I. c. 18.—An Act for better securing certain Powers and Privileges intended to be granted by his Majesty by two Charters, for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable Practices therein mentioned.

[Inserted Pt. III. Cl. III. No. 3.]

No. 64.

- 7 George I. c. 7.—An Act to preserve and encourage the Woollen and Silk Manufactures of this Kingdom, and for more effectual employing the Poor, by prohibiting the Use and Wear of all printed, painted, stained or dyed Callicoes in Apparel, Household Stuff, Furniture, or otherwise, after the twenty-fifth Day of December one thousand seven hundred and twenty-two (except as therein is excepted.)

No. 65.

- 7 George I. c. 12.—An Act for employing the Manufactures and encouraging the Consumption of Raw Silk and Mohair Yarn, by prohibiting the Wearing of Buttons and Button-holes made of Cloth, Serge or other Stuffs.

No. 66.

- 3 George II. c. 5.—An Act to enable his Majesty to prohibit any Person or Persons, his Majesty's Subjects, or residing within this Kingdom, to advance or lend any Sum or Sums of Money to any foreign Prince, State or Potentate, without Licence obtained from his Majesty under his Privy Seal, or some greater Authority. EXP.

[His Majesty may prohibit, by Proclamation, the advancing Money to foreign Princes without Licence. Not to restrain negotiating in foreign Funds, &c. Prosecution to commence in twelve Calendar Months. Continuation for two Years.]

No. 67.

- 9 George II. c. 5.—An Act to repeal the Statute made in the first Year of the Reign of King *James* the First, intituled, “An Act against Conjuration, Witchcraft, and dealing with evil and wicked Spirits,” except so much thereof as repeals an Act of the fifth Year of the Reign of Queen *Elizabeth*, “Against Conjurations, Inchantments and Witchcrafts,” and to repeal an Act passed in the Parliament of *Scotland* in the ninth Parliament of Queen *Mary*, intituled, “Ancient Witchcrafts,” and for punishing such Persons as pretend to exercise or use any Kind of Witchcraft, Sorcery, Inchantment or Conjuration.

No. 68.

- 12 George III. c. 71.—An Act for repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regraters, and for indemnifying Persons against Prosecutions for Offences committed against the said Acts.

No. 69.

- 26 George III. c. 71.—An Act for regulating Houses, and other Places, kept for the Purpose of slaughtering Horses.

PART V. CLASS XXV.

CRIMINAL PROCEEDINGS.

- A—Surety of the Peace, and Apprehension of Offenders.
- B—Examination — Commitment — Bail.
- C—Indictments — Informations, and other Prosecutions
- D—Process — Outlawry.
- E—Certiorari.
- F—Arraignment and Trial:
 - § 1. In general.
 - § 2. With respect to Offences committed out of the Kingdom.
- G—Benefit of Clergy — Transportation — Penitentiary Houses.
- H—Inquest in Cases not included in the last Division.
- I—Forfeiture — Corruption of Blood.
- K—Pardon.
- L—Miscellaneous Incidents.

(A)

SURETY OF PEACE, AND APPREHENSION OF OFFENDERS.

No. 1.

- 3 Edward I. c. 9.—All Men shall be ready to pursue Felons.

No. 2.

13 Edward I. st. 2. c. 1.—Fresh Sait shall be made after Felous and Robbers from Town to Town, &c.

[See Pt. IV. Cl. XXII. No. 1.]

No. 3.

5 Edward III. c. 14.—Night-Walkers and suspected Persons shall be safely kept.

Ex Rot. in Turr. Lond.

No. 3. ITEM, Whereas in the
Edward III. Statute made at Winches-
ter in the Time of King
Edward, Grandfather to the
King that now is, it is con-
tained, That if any Stranger
pass by the Country in the
Night, of whom any have
Suspicion, he shall present-
ly be arrested and delivered
to the Sheriff, and remain in
Ward till he be duly deli-
vered. And because there
have been divers Man-
slaughters, Felonies, and
Robberies done in Times
past, by People that be cal-
led Roberdesmen, Wastors,
and Draw-latches; it is
accorded, That if any Man
have any evil Suspicion of
such, be it by Day or by
Night, they shall be incon-
tinently arrested by the Con-
stables of the Towns. And
if they be arrested within
Franchises, they shall be
delivered to the Bailiffs of
the Franchise, and if in
Guildable, they shall be
delivered to the Sheriffs, and
kept in Prison till the coming
down of the Justices assigned
to deliver the Gaol. And in
the mean Time the Sheriffs
or Bailiffs of the Franchises
shall enquire of such Arrests,
and at the coming of the
Justices return their Enquiries,

ITEM come en lestatut fait a
Wyncestre en temps meis-
me le Roi lael soit contenuz qe
si nul estrange passe par pais
de nuyt de qd homme eit sus-
pcion soit meintenant arestu
& livree au viscounte & demo-
erge en garde tant qil soit due-
ment delivers. Et diverses
roberies homicides & felonies
ont este faitz einz ces heures
par gentz qd sont appellez
Roberdesmen Wastors &
Draghatche si est acorde &
establi qe si homme eit sus-
pcion de mal de nuls tielx
soit il de jour soit il de nuyt qe
meintenant soient arestuz par
les constables des villes. Et
sils soient arestuz en fraun-
chises soient liverez as bail-
lifs des fraunchises & si en
gildable soient liverez as vis-
countes & gardez en prisone
tant qe a la venue des Justices
assignez a deliverer les gaoles.
Et endementiers facent les vis-
countes ou baillifs des fran-
chises enquerre des tielx are-
stuz & a la venue des Justices
retourent devant eux de ce
hour enquestes & ce qils ave-
ront trouvez et les causes des
prises od les corps et autre
aillent les Justices a la deliver-
ance de tielx arestuz selonc la
lei. Et en cas qe les viscount-
es ou baillifs de fraunchises
Justices return their Enquier-
tis naveront pas enquis de tielx

Ex Rot. in Turr. Lond.
arestuz soient amerciez et
nient meins facent les Justices
enquere et autre aillent a la
deliverance come sus est dit.

'before them, with that which
'they have found, and the 5 Edward III.
'Cause of the Takings, with
'the Bodies, and the Justices
'shall proceed to the Deliver-
'ance of such Persons arrested
'according to the Law. And
'in case that the Sheriffs or
'Bailiffs of the Franchises have
'not enquired of such Arrests,
'they shall be amerced, and
'nevertheless the Justices shall
'make Enquiry, and further
'proceed to the Deliverance,
'as before is said.'

No. 3.
c. 14.

No. 4.

23 Edward III. c. 11.—Fresh Suit and Hay and Cry shall
be made after Robbers from Country to Country.

No. 5.

23 Henry VI. c. 9.—No Sheriff shall let to fern his
County or any Balliwick. The Sheriffs and Bailiffs
Fees and Duties in several Cases.

(See Pt. IV. Cl. III. No. 10.)

No. 6.

3 Henry VII. c. 1.—The Authority of the Court of Star
Chamber. Where one Inquest shall inquire of the
Concealment of another. A Coroner's Duty after a
Murder committed. A Justice of Peace shall certify
his Recognizances, &c.

I. AND also it is ordained by the same Authority, That
every Justice of Peace within this Realm, that
shall take any Recognisance for the keeping of the Peace, that
the same Justice do certify, send, or bring the same Recogni-
sance at the next Assise of Peace, where he now hath been
Justice, that the Party so bound may be called; and if the
Party make Default, the same Default than there to be record-
ed, and the same Recognisance, with the Record of the De-
fault, be sent and certified into the Chancery, or before the
King in his Bench, or into the King's Exchequer.

No. 6.
3 Henry VII.
c. .

A Justice of the
Peace shall cer-
tify a Recog-
nizance taken, at the
next Sessions.

No. 7.

21 James I. c. 8.—An Act to prevent and punish the Abuses in procuring Process and Supersedeas of the Peace and good Behaviour, out of his Majesty's Courts at Westminster, and to prevent the Abuses in procuring Writs of Certiorari out of the said Courts, for the removing of Indictments found before Justices of the Peace in their General Sessions.

No. 7.
21 James I.
c. 8.

WHEREAS divers turbulent and contentious Persons, some out of Malice, and others in hope of Gain, by way of Composition, do oftentimes upon their corporal Oaths peremptorily and corruptly taken, or otherwise upon false Suggestions and Surmises, procure Process of the Peace, or good Behaviour out of his Majesty's Courts of Chancery, and King's Bench, against divers of his Majesty's quiet Subjects, whose Dwellings, and Abodes are (for the most part) in Counties far distant and remote from the said Courts, to their intolerable Trouble and Vexation, whereas they might upon good Cause shewed receive Justice at the Hands of the Justices of the Peace in the Counties where they dwell.'

**Process and
Writs of Super-
sedeas of the
Peace, or good
Behaviour, shall
not be granted
but upon Mo-
tion in open
Court.**

**Certioraries
shall not be al-
lowed, unless
the Indictee
will be bound
to pay Costs.**

II. For Remedy whereof, be it enacted by the Authority of this present Parliament, That all Process of the Peace or good Behaviour after the End of this Session of Parliament to be granted or awarded out of the same Courts, or either of them, against any Person or Persons whatsoever, at the Suit of or by the Prosecution of any Person or Persons whatsoever, shall be void and of none Effect, unless such Process shall be so granted or awarded, upon Motion first made before the Judge or Judges of the same Courts respectively, sitting in open Court, and upon Declaration in Writing, upon their Corporal Oaths to be then exhibited unto them, by the Parties which shall desire such Process, of the Causes for which such Process shall be granted or awarded, by or out of any the said Courts respectively, and unless that such Motion and Declaration be mentioned to be made upon the Back of the Writ; the said Writings there to be entered and remain of Record: And that if it shall afterwards appear unto the said Courts, or either of them respectively, that the Causes expressed in such Writings, or any of them, be untrue, that then the Judge or Judges of the said Courts, or either of them respectively, shall and may award such Costs and Damages unto the Parties grieved, for their or any of their wrongful Vexations in that Behalf, as they shall think fit: And that the Party or Parties so offending shall and may be committed to Prison by such Judge or Judges, until before they pay the said Costs and Damages: And whereas divers turbulent and contentious Persons, deservedly fearing to be bound to the Peace or good Behaviour by the Justices of Peace of the Counties where they dwell, do oftentimes procure themselves

‘ to be bound to the Peace or good Behaviour in the said Courts, or one of them, upon insufficient Sureties, or upon colourable Prosecution of some Person or Persons, who will be ready at all Times to release them at their own Pleasure; whereupon his Majesty’s Writs of *Supersedeas* are oftentimes directed to the Justices of Peace, and other his Majesty’s Officers, requiring them and every of them to forbear to arrest or imprison the Parties aforesaid for the Causes above-said; by Means whereof the said turbulent and contentious Persons misdemean themselves amongst their Neighbours with Impunity, to the great Offence and Disturbance of their Neighbours amongst whom they converse and live, and to the Affront of the Justices of Peace, and to the evil Example and Encouragement of like evil-disposed Persons.

No. 7.
21 James I.
c. 8.

III. Be it therefore enacted by the Authority aforesaid, That all Writs of *Supersedeas* after the End of this present Session of Parliament, to be granted by or out of either of the Courts aforesaid, shall be void and of none Effect, unless such Process be granted likewise upon Motion in open Court first made as aforesaid, and upon such sufficient Sureties as shall appear unto the Judge or Judges of the same Court respectively, upon Oath, to be assessed at five Pounds Lands, or ten Pounds in Goods, in the Subsidy Book, at the least; which Oaths, and the Names of such Sureties, with the Places of their Abode, and where they stand or are assessed in the Subsidy Books, shall be entered and remain of Record in the same Courts: And unless it shall also first appear unto the said Judge or Judges, from whom such *Supersedeas* is desired, that the Process of the Peace, or good Behaviour, is prosecuted against him or them desiring such *Supersedeas*, *pone sida*, by some Party grieved, in that Court, out of which such *Supersedeas* is desired to be so awarded and directed.

IV. And whereas divers fewd and evil-disposed Persons, commonly called Bailiffs, or Knights of the Post, being base and beggarly Persons, do oftentimes procure themselves to be assessed at high Rates in the Subsidy Books, and sometimes do falsely take upon them the Names of other Men of good Ability, of Purpose to enable themselves to be accepted for Bail, which Persons being of small or no Ability or Worth, are ready for Lucre and Gain to become bound by Recognisance as Sureties for such Persons as shall procure themselves to be bound to the Peace or good Behaviour as aforesaid; by Means whereof the Judge or Judges of the said Courts, not knowing them, may be easily abused, and Justice deluded.

V. Be it further enacted by the Authority aforesaid, That False Sureties

of *Supersedeas*, or procuring such Surety as aforesaid, shall be by the Judges, and may likewise punish the false and insufficient Sureties and Bailiffs aforesaid, and the same thereof, according to

No. 7. their Discretions, so as such Punishment extend not to the
 2^o James I. Loss of Life or Member.
 c. 8.

VI. And whereas divers Bills of Indictments of Riot, forcible Entry, or of Assault and Battery, being found before the Justices of Peace at their Quarter Sessions of the Peace or otherwise, are oftentimes removed from the Countries where such Indictments are found, by Writs of *Certiorari* unto them directed out of the said Courts, by or by the Means of the Persons so indicted, who well know that few or no Persons grieved by such their Outrages and Misdemeanors whereof they stand so indicted, will undergo the Travel or Charge of Prosecution of such Indictments so removed, by bringing the Parties so indicted to Trial; by Means whereof such Offenders for the most Part escape unprosecuted and unpunished, and the King loseth the Fines which ought and should have been imposed upon them, if such Indictments had been prosecuted, and not removed.'

Certiorari not allowed unless Justice become bound to pay Costs.

VII. Be it therefore enacted, That all such Writs of *Certiorari* shall from and after the End of this present Session of Parliament, be delivered at some Quarter Sessions of the Peace in open Court. And that the Parties indicted shall before the Allowance of such *Certioraries* become bound unto such Person or Persons which shall prosecute such Bills of Indictment against them, in the Sum of Ten Pounds, with such sufficient Sureties as the Justices of Peace at their said Quarter Sessions of the Peace shall think fit, with Condition to pay unto the said Prosecutors of such Bills of Indictment, within one Month after the Conviction of such Parties indicted, such reasonable Costs and Damages as the said Justices of Peace of such Counties where such Bills of Indictment shall be found, in the said Sessions of the Peace shall assess or allow; and that in Default thereof, it shall be lawful for the said Justices to proceed to Trial of such Indictments; any such Writs of *Certiorari* to remove the same Indictments notwithstanding.

No. 8.

George II. c. 55.—An Act for amending and making more effectual a Clause in an Act passed in the last Session of Parliament, for the apprehending of Persons in any County or Place upon Warrants granted by Justices of the Peace of any other County or Place.

[See Pt. VI. Cl. XXIII.]

No. 9.

13 George III. c. 31.—An Act for the more effectual Execution of the Criminal Laws in the two Parts of the United Kingdom,

WHEREAS it frequently happens that Felons, and other Malefactors, in that Part of Great Britain called England, make their Escape into that Part of Great Britain called Scotland; and also that Felons, and other Malefactors, in that Part of Great Britain called Scotland, make their Escape into that Part of Great Britain called England; whereby their Offences often remain unpunished, there being no sufficient Provision, by the Laws of either of the two Parts of the United Kingdom for apprehending such Offenders, and transmitting them into that Part of the United Kingdom in which their Offences were committed: For Remedy thereof, may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Persons against whom Warrants are issued in England, who shall escape into that Part of the United Kingdom, shall escape, go into, ty where the Offence was committed by Scotland, it shall and may be lawful for the Sheriff, or Steward, or Substitute, or any Justice of Peace of the County or Place where such Person or Persons shall escape, go into, reside, or be, to indorse his Name on the said Warrant; which Warrant, so indorsed, shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed; and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them, into the County, Riding, Division, City, Liberty, Town, or Place, of that Part of Great Britain called England, being adjacent to that Part of Great Britain called Scotland, in which the Crime was committed, and Before one of the Justices of Peace of such County, Riding, Division, City, Liberty, Town, or Place, to be there dealt with according to Law: Or, in case the Crime was committed in a County not next adjacent to that Part of Great Britain called Scotland; then, and in every such Case, to convey him, her, or them, into any County of that Part of Great Britain called England, next adjacent to that Part of Great Britain

No. 9.
13 George III.
c. 31.

No. 9. called *Scotland*, and before one of the Justices of Peace of such County, which Justice of Peace is hereby authorised and required to proceed with regard to such Person or Persons, in the Manner directed by an Act made in the twenty-fourth Year of the Reign of his Majesty King George the Second, intituled, "An Act for amending and making more effectual a Clause in an Act, passed in the last Session of Parliament, for the apprehending of Persons in any County or Place, upon Warrants granted by Justices of the Peace of any other County or Place," as if the said Person or Persons had been apprehended in the said County.

Persons guilty
of like Crimes
in Scotland,
may be appre-
hended, and
returned.

II. And, for Remedy of the like Inconveniency, by the Escape of Persons guilty of Crimes in that Part of Great Britain called *Scotland*, be it further enacted by the Authority aforesaid, That, from and after the passing of this Act, if any Person or Persons, against whom a Warrant shall be issued by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff, or Steward-depute, or Substitute, or Justice of the Peace of that Part of Great Britain called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, in any Place of that Part of Great Britain called *England*, it shall and may be lawful for any Justice of Peace of the County, Riding, Division, City, Liberty, Town, or Place, where such Person or Persons shall escape, go into, reside, or be, to indorse his Name on the said Warrant; which Warrant, so indorsed, shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed; and also to all Constables, or other Peace Officers of the County, Riding, Division, City, Liberty, Town, or Place, where such Warrant shall be so indorsed, to execute the said Warrant in the County, Riding, Division, City, Liberty, Town, or Place, where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them, into the County, or Place of that Part of Great Britain called *Scotland*, being adjacent to that Part of Great Britain called *England* where the Crime was committed; and before the Sheriff, or Steward-depute, or Substitute, or one of the Justices of the Peace of such County or Place, to be there dealt with according to Law: Or, in case the Crime was committed in a County not next adjacent to that Part of Great Britain called *England*; then, and in such Case, to convey him, her, or them, into any County of that Part of Great Britain called *Scotland*, next adjacent to that Part of Great Britain called *England*, and before the Sheriff, or Steward-depute, or Substitute, or one of the Justices of the Peace of such County; which Sheriff, Steward, or Justice of the Peace, is hereby required to proceed with regard to such Person or Persons according to the Rules and Practice of the Law of *Scotland*, as if the said Person or Persons had been apprehended in the said County.

III. And be it further enacted by the Authority aforesaid, No. 9.
That the Expence of removing Prisoners as aforesaid shall be 13 George III. repaid to the Person defraying the same by the Treasurer of the c. 31.
County of that Part of Great Britain called England, or by the Expence of re-
Sheriff, or Steward-depute, or Substitute, of the County of that moving Pri-
soners.
Part of Great Britain called Scotland, in which the Crime was
committed, the Amount of that Expence being previously
ascertained by an Account thereof verified upon Oath before
two of the Justices of the Peace of such County, and allowed
and signed by them.

IV. And whereas it frequently happens in both Parts of the United Kingdom, that Persons having stolen or otherwise feloniously taken away Money, Cattle, Goods, or other Effects, carry the same into the other Part of the United Kingdom, and there have the said Money, Cattle, Goods, or other Effects, in their Possession or Custody; and Doubts have been entertained, whether they could be indicted and tried in that Part of the United Kingdom, as the original Offence was not there committed; be it therefore enacted by the Authority aforesaid, That, from and after the passing of Persons who this Act, if any Person or Persons having stolen or otherwise shall have stolen Money, &c. in either Part of the United Kingdom, shall afterwards have the same Money, Cattle, Goods, or other Effects, or any Part thereof, in his, her, or their Possession or Custody, in the other Part of the United Kingdom, it shall and may be lawful to indict, try, and punish such Person or Persons for Theft or Larceny in that Part of the United Kingdom where he, she, or they shall so have such Money, Cattle, Goods, or other Effects, in his, her, or their Possession or Custody, as if the said Money, Cattle, Goods, or other Effects, had been stolen in that Part of the United Kingdom.

V. And be it further enacted by the Authority aforesaid, Receivers of Money, &c. in either Part of the United Kingdom, knowing the same to be stolen, or otherwise feloniously taken, also liable to be punished.
That if any Person or Persons, in either Part of the United Kingdom, shall hereafter receive or have any Money, Cattle, Goods, or other Effects, stolen, or otherwise feloniously taken, in the other Part of the United Kingdom, to all Intents and Purposes as if the said Money, Cattle, Goods, or other Effects, had been originally stolen, or otherwise feloniously taken, in that Part of the United Kingdom.

No. 10.

44 George III. c. 92.—An Act to render more easy the apprehending, and bringing to Trial, Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another.—[20th. July 1804.]

No. 10.
44 George III
c. 92.

Where Persons,
against whom
Warrants have
been issued,
escape into
another County
in Ireland, the
Justices of the
County where
they reside,
shall indorse
the Warrants
for Execution.

Where Offences
are bailable
Justices may
take Bail, and
transmit Recog-
nizance, &c., to
the proper
County.

WHEREAS it frequently happens that Persons, against whom Warrants are granted by Justices of Peace for the several Counties and Places in *Ireland*, escape into other Counties or Places, out of the Jurisdiction of the Justices of Peace granting such Warrants; and it may also frequently happen, that Persons having committed Offences in some County or Place in *Ireland*, may reside, or be in some other County or Place out of the Jurisdiction of the Justice or Justices of the County or Place in which such Offence was committed, whereby such Offenders may or will easily avoid being punished for the Offences wherewith they are charged; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of August one thousand eight hundred and four, in case any Person against whom a Warrant shall be issued by any Justice or Justices of the Peace of any County, City, Liberty, Town, or Place, within *Ireland*, shall escape, go into, reside, or be, in any other County, City, Liberty, Town, or Place, out of the Jurisdiction of the Justice or Justices granting such Warrant as aforesaid, it shall and may be lawful for any Justice or Justices of the Peace for the County, City, Liberty, Town, or Place, where such Person shall escape, go into, reside, or be, and such Justice or Justices is and are hereby required upon Proof being made upon Oath of the Hand Writing of the Justice or Justices granting such Warrant, to indorse his or their Name or Names on such Warrant, which Indorsement shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all other Persons to whom such Warrant was originally directed, to execute such Warrant in the County, City, Liberty, Town, or Place, where the same was indorsed, and to apprehend and carry such Offender or Offenders before the Justice who indorsed such Warrant, or before some other Justice or Justices of such other County, City, Liberty, Town or Place, where such Warrant was indorsed; and in Case the Offence for which such Offender shall be apprehended shall be bailable in Law, and such Offender shall be willing and ready to give Bail for his or their Appearance at the next Assizes or General Gaol Delivery, or next General Quarter Sessions of the Peace to be held in and for the County, City, Liberty, Town, or Place, where the Offence was committed, such Justice or Justices by whom such Warrant was indorsed, or such other Justice before

whom any such Offender or Offenders shall be brought, shall and may proceed with such Offender or Offenders, and take 44 Bail for his or their Appearance at the next Assizes or General Gaol Delivery, or at the next General Quarter Sessions of the Peace to be held in and for the County, City, Liberty, Town or Place, where such Offence was committed, in the same Manner as the Justices of the Peace in the proper County, City, Liberty, Town, or Place, should or might have done in such proper County, City, Liberty, Town, or Place; and the Justice or Justices so taking Bail as aforesaid, shall deliver the Recognizance, together with the Examination or Confession of such Offender or Offenders, and all other Proceedings relating thereto, had before such Justice, to the Constable or other Officer or Officers, or Person or Persons so apprehending such Offender or Offenders as aforesaid, who are hereby required to receive the same, and to deliver over such Recognizance, Examination, or other Proceedings, to the Clerk of the Crown, or Clerk of the Peace of the County, City, Liberty, Town, or Place, where such Offender or Offenders is or are required to appear by virtue of such Recognizance; and such Recognizance, Examination, and Confession respectively, shall be as good and effectual in Law to all Intents and Purposes, and of the same Force and Validity, as if the same had been entered into, taken, or acknowledged, before a Justice or Justices of the Peace in and for the proper County, City, Liberty, Town, or Place, where the Offence was committed, and the same Proceedings shall be had thereon; and in case any Constable, Officer, or other Person to whom such Recognizance, Examination, Confession, or Constable for other Proceedings shall be delivered as aforesaid, shall refuse Neglect in delivering Rec. or neglect to deliver over the same to the Clerk of the Crown cognizance, &c. or Clerk of the Peace of the County, City, Liberty, Town, &c. or Place, where such Offender is required to appear by virtue of such Recognizance, such Constable, Officer, or other Person, shall forfeit the Sum of five Pounds ~~sterling~~ ^{Irish} Currency, to be recovered against him by Bill, Civil Bill, Plaintiff or Information, in any of his Majesty's Courts of Record in Ireland, by any Person or Persons who will prosecute or sue for the same, wherein no Essoign, Protection, or Wager of Law, shall be allowed, nor more than one Impariment; and in case the Offender not Nailed, he shall be taken before a Justice of the proper County. If Offender not held and taken in Manner aforesaid, shall not be bailable a Justice of the law, as such Offender or Offenders shall not give Bail for his or their Appearance at the next Assizes or General Gaol Delivery, or next General Quarter Sessions of the Peace to be held in and for the County, City, Liberty, Town, or Place, where the Offence was committed, to the Satisfaction of the Justice before whom such Offender or Offenders shall be brought, then and in such Case the Constable, Officer, or other Person so apprehending such Offender or Offenders, shall carry and convey such Offender or Offenders before one of his Majesty's Justices of Peace of the proper County,

No. 10. City, Liberty, Town, or Place, where such Offence was
 44 George III. committed, there to be dealt with according to Law.
 c. 92.

Justices indorsing Warrants
not liable to Action.

II. And be it further enacted, That no Action of Trespass, false Imprisonment, or Indictment, or other Action, shall be brought, sued, commenced, or prosecuted by any Person or Persons whatsoever, against the Justice or Justices who shall indorse such Warrant, for or by reason of his or their indorsing such Warrant: Provided always, that such Person or Persons shall be at Liberty to bring or prosecute his or their Action or Suit against the Justice or Justices who originally granted such Warrant, in the same Manner as such Person or Persons might have done in case this Act had not been made.

Offenders escaping from Ireland into Great Britain may be apprehended, and conveyed to Ireland.

III. And whereas it may frequently happen that Felons and other Malefactors, in that Part of the United Kingdom called *Ireland*, make their Escape into that Part of the United Kingdom called *Great Britain*, as also that Felons and other Malefactors in that Part of the United Kingdom called *Great Britain* may make their Escape into that Part of the United Kingdom called *Ireland*, whereby their Offences often remain unpunished, there being no sufficient Provision, by the Laws now in force in *Great Britain* and *Ireland* respectively, for apprehending such Offenders and transmitting them into that Part of the United Kingdom in which their Offences were committed: For Remedy whereof, be it further enacted, That, from and after the first Day of *August* one thousand eight hundred and four, if any Person or Persons against whom a Warrant shall be issued by any of the Judges of his Majesty's Court of King's Bench, or any Justice of Oyer and Terminer or Gaol Delivery, or any Justice or Justices of the Peace or other Person having Authority to issue the same within *Ireland*, for any Crime or Offence against the Laws in force in *Ireland*, shall escape, go into, reside, or be in any Place in *England* or *Scotland* respectively, it shall and may be lawful for any Justice of the Peace of the County, Stewartry, Riding, Division, City, Liberty, Town, or Place, in *England* or *Scotland* respectively, whether or where such Person or Persons shall escape, go into, reside, or be, to indorse his Name on such Warrant, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County, Stewartry, Riding, Division, City, Liberty, Town, or Place, where such Warrant shall be so indorsed, to execute the said Warrant in the County, Riding, Division, City, Liberty, Town, or Place, where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them by the most direct Way into *Ireland*, and before one of the Justices of the Peace of the County in *Ireland*, living near the Place and in the County where he, she, or they shall arrive and land; which Justice of the Peace is hereby required to

proceed with regard to such Person or Persons as if the said Person or Persons had been legally apprehended in the said County in *England*.
No. 10.
44 George III.
c. 92.

IV. And, for Remedy of the like Inconveniency by the Escape into *Ireland* of Persons guilty of Crimes in *England* or *Scotland* respectively,' be it further enacted, That, from Offenders and after the first Day of *August* one thousand eight hundred and four, if any Person or Persons against whom a Warrant into *Ireland* shall be issued by any of the Judges of his Majesty's Court of King's Bench, or of the Courts of Great Sessions in *Wales*, or any Justice of Oyer and Terminer or Gaol Delivery, or any Justice or Justices of the Peace of any County, *Stewartry*, Riding, Division, City, Liberty, Town, or Place, within *England* or *Scotland* respectively, or other Person having Authority to issue the same within *England* or *Scotland* respectively, for any Crime or Offence against the Laws of *England* or *Scotland* respectively, shall escape, go into, reside, or be in any Place of that Part of the United Kingdom called *Ireland*, it shall and may be lawful for any Justice of the Peace of the County or Place in *Ireland*, whither or where such Person or Persons shall escape, go into, or reside or be, to indorse his Name on such Warrant, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Constables, and other Peace Officers of the County or Place in *Ireland* where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place in *Ireland* where it is so indorsed, by apprehending the Person or Persons against whom such Warrant may be granted, and to convey him, her, or them, by the most direct Way into *England* or *Scotland* respectively, and before one of the Justices of Peace of the County or *Stewartry*, in *England* or *Scotland* respectively, living near the Place and in the County where he, she, or they shall arrive and land, which Justice of Peace is hereby authorized and required to proceed with regard to such Person or Persons as if such Person or Persons had been legally apprehended in the said County or *Stewartry* of *England* or *Scotland* respectively.

V. And be it further enacted, That the Expence of removing Prisoners as aforesaid to any Place in *England*, *Scotland* and *Ireland* respectively, shall be repaid to the Person defraying the same by the Treasurer of the County in *England* or *Ireland* respectively, or by the Sheriff or Stewart Depute or Substitute of the County or *Stewartry* in *Scotland*, in which the Crime was committed, the Amount of such Expence being previously ascertained by an Account thereof verified upon Oath before two of the Justices of the Peace of such County or *Stewartry*, and allowed and signed by them, and such Treasurer, Sheriff, or Stewart Depute or Substitute, shall be allowed such Payments in their respective Accounts.

Expence of Removal of
Prisoners shall be defrayed by
Treasurers of Counties, &c.

No. 10. VI. And be it further enacted, That the Treasurers of 44 George III. the several Counties in *Ireland* who have paid the Amount of c. 92. any such Expences so ascertained as aforesaid, shall lay the said Account, together with the Allowance of the same so signed as aforesaid, before the Grand Juries of their respective Counties, at the Assizes holden for such Counties next after such Expences shall be paid, or at any subsequent Assizes; and it shall be lawful for such Grand Juries and they are hereby respectively required to present a Sum equal to the Amount of such Expences, to be raised from the County at large, for the Purpose of reimbursing such Treasurer.

Treasurers of Counties in Ireland shall be reimbursed their Expences by Presentments of Grand Juries.

Offenders escaping with stolen Goods from one Part to any other of the Kingdom may be tried in the Place where the same shall be found.

VII. And whereas it frequently happens, that Persons having stolen or otherwise feloniously taken away Money, Cattle, Goods, or other Effects, in one of the Parts of the United Kingdom, carry the same into another Part of the said United Kingdom, and there have the said Money, Cattle, Goods, or other Effects in their Possession or Custody; and Doubts may be entertained whether they could be indicted and tried in that Part of the United Kingdom where such Offenders have the said Money, Cattle, Goods, and other Effects, in their Possession or Custody, as the original Offence was not committed in such Part of the said United Kingdom; be it therefore further enacted and declared, That from and after the first Day of *August*, one thousand eight hundred and four, if any Person or Persons having stolen or otherwise feloniously taken Money, Cattle, Goods, or other Effects, in any one of the Parts of the said United Kingdom, shall afterwards have the same Money, Goods, Chattels, or other Effects, or any Part thereof, in his, her, or their Possession or Custody, in any other Part of the United Kingdom, it shall and may be lawful to indict, try, and punish such Person or Persons for *Theft* or *Larceny*, in that Part of the United Kingdom where he, she, or they shall so have such Money, Cattle, Goods, or other Effects, in his, her, or their Possession or Custody, as if the said Money, Cattle, Goods, or other Effects, had been stolen in that Part of the United Kingdom.

Persons receiving such stolen Goods may be tried in the Place where they receive the same.

VIII. And be it further enacted, That if any Person or Persons in any one of the Parts of the United Kingdom shall hereafter receive or have any Cattle, Goods, or other Effects, stolen or otherwise feloniously taken in any other Part of the United Kingdom, knowing the same to have been stolen or otherwise feloniously taken, every such Person or Persons shall be liable to be indicted, tried, and punished for such Offences in that Part of the United Kingdom where he, she, or they shall so receive or have the said Cattle, Goods, or other Effects, in the same Manner to all Intents and Purposes as if the said Cattle, Goods, or other Effects, had been originally stolen or otherwise feloniously taken, in that Part of the United Kingdom in which such Person shall so receive or have such Cattle, Goods, or other Effects respectively.

No. 11.

45 George III. c. 92.—An Act to amend two Acts of the thirteenth and forty-fourth Years of his present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another.—[10th. July 1805]

WHEREAS by an Act, passed in the thirteenth Year of his present Majesty's Reign, intituled, "An Act for the more effectual Execution of the Criminal Laws in the two Parts of the United Kingdom;" and by another Act passed in the forty-fourth Year of his present Majesty's Reign, intituled, "An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another;" Provision is made for the apprehending of Offenders in *England, Scotland, and Ireland* respectively, so that such Offenders may be apprehended in one of the said Parts of the United Kingdom for Offences charged to have been committed within either of the other Parts of the same: And whereas there is no Provision made in the said Acts for admitting such Persons to Bail, who may be so apprehended for Offences which by Law are bailable: Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Person or Persons shall be apprehended in one of the said Parts of the United Kingdom for an Offence which was committed, or for Offences charged to have been committed, in either of the other Parts committed in the same, under any Warrant indorsed in such Manner as any other Part is in that Respect provided by virtue of either of the said recited Acts, such Person or Persons shall and may be taken before the Bail, and Du-Judge or Justice who indorsed the said Warrant, or before some other Justice or Justices of the County, Stewartry, City, Liberty, Town or Place where the same was indorsed; and in case the Offence be bailable in Law, and such Offender or Offenders shall be willing and ready to give Bail for his, her, or their Appearance, according to the Exigence of the said Warrant, such Judge or Justice or Justices by whom such Warrant was indorsed, or before whom any such Offender or Offenders shall be brought, shall and may proceed with such Offender or Offenders, and take Bail for him, her, or them, according to the Exigence of the said Warrant, in the same Manner as the Judge or Justice who originally issued the same should or might have done; and such Judge or Justice or Justices so taking Bail as aforesaid, shall take the Recognizance or Bail Bond of the said Offender or Offenders, and of his, her, or their Bail, in Duplicate, and shall deliver one of such Dupli-

No. 11. 45 George III. c. 92. cates to the Constable, or other Officer or Officers, or Person or Persons so apprehending such Offender or Offenders as aforesaid, who are hereby required to receive the same, and to deliver, or cause to be delivered such Recognizance or Bail Bond to the Clerk of the Crown, or Clerk of the Peace, or other proper Officer for receiving the same, belonging to the Court in which by such Recognizance or Bail Bond such Offender or Offenders shall be bound to appear, and such Recognizance or Bail Bond shall be as good and effectual in Law, to all Intents and Purposes, and of the same Force and Validity, as it the same had been entered into, taken, or acknowledged before a Judge or Justice or Justices of the Peace of the said County, Stewartry, City, Town, Liberty, or Place where the Offence was committed; and the said Judge or Justice or Justices so taking Bail as aforesaid, shall transmit the other of such Duplicates to the Court of Exchequer of such Part of the United Kingdom in which such Bail shall be taken, there to be kept of Record; and it shall and may be lawful for the Court, in which any Person so bound to appear shall forfeit his or her said Recognizance or Bail Bond, to transmit a Certificate, testifying the Forfeiture thereof, under the Seal of the Court, or under the Hand and Seal of one of the Judges or Justices of the same, to the Court of Exchequer, in that Part of the United Kingdom in which such Recognizance or Bail Bond shall have been taken; and it shall and may be lawful for such Court of Exchequer to proceed upon such Certificate to levy the Sum so forfeited, in the same Manner in which they may proceed upon any Recognizance or Bail Bond, taken and forfeited within the same Part of the United Kingdom, and extreated in due Course into the said Court: Provided always, that if such Offence be not bailable in Law, or such Offender or Offenders shall not give Bail for his, her, or their Appearance, according to the Exigence of such Warrant, the said Judge or Justice or Justices before whom such Offender or Offenders shall be brought, shall remand him, her, or them, to the Custody of the Constable or other Officer or Person who shall have apprehended such Offender or Offenders, and such Constable, Officer, or other Person shall proceed to convey such Offender or Offenders into that Part of the United Kingdom wherein the Offence was committed, by such Ways and Means as are provided by the said recited Acts respectively.

The Judge, &c. granting the original Warrant, shall write "not bailable," on the Face of Warrants for Offences not bailable, &c.

II. And whereas it may happen by reason of the Difference in the Law prevailing in the said different Parts of the United Kingdom that the Judge or Justice or Justices before whom any Offender or Offenders shall be brought under such Warrant so indorsed, may not know whether the Offence mentioned in such Warrant be or be not bailable; for the better Information therefore of such Judge or Justice or Justices in that Particular, be it further enacted, That in case any Person suing out such Warrant shall shew, by Affidavit or otherwise, to the Satisfaction of the Judge or Justice granting such Warrant,

that it may be necessary to execute such Warrant in a Part of the United Kingdom different from that in which such Warrant is issued, and it shall appear also to the Judge or Justice granting such Warrant, that it is granted for an Offence for which it would not be lawful for any Judge or Justice or Justices, before whom such Offender or Offenders might be brought, by reason of the Indorsement of such Warrant as directed by the said recited Acts, to admit such Offender or Offenders to Bail, such Judge or Justice granting such Warrant shall, upon the Face of such Warrant, write the Words "not bailable;" and in all Cases in which such Words shall not have been so written, it shall and may be lawful for the Judge or Justice or Justices, before whom any Offender or Offenders may be brought under such Warrant so indorsed, to admit such Offender or Offenders to bail.

No. 11.
George III.
c. 92.

III. ' And whereas it is fit to provide for the Appearance Service of Sureties of Persons to answer in Cases where Warrants are not *pæna* on Parties usually issued, and to give Evidence in Criminal Prosecutions in every Part of the United Kingdom; be it further enacted, That the Service of every Writ of Subpæna, or other Process, upon any Person, in any one of the Parts of the United Kingdom, requiring the Appearance of such Person to answer or give Evidence in any Criminal Prosecution, in any other of the Parts of the same, shall be as good and effectual in Law as if the same had been served in that Part of the United Kingdom where the Person so served is required to appear; and in case such Person so served shall not appear according to the Exigence of such Writ or Process, it shall be lawful for the Court out of which the same issued, upon Proof made of the Service thereof, to the Satisfaction of the said Court, to transmit a Certificate of such Default under the Seal of the same Court, or under the Hand of one of the Judges or Justices of the same, to the Court of King's Bench in England in case such Service was had in England, or in case such Service was had in Scotland, to the Court of Justiciary in Scotland, or in case such Service was had in Ireland, to the Court of King's Bench in Ireland; and the said last mentioned Courts respectively shall and may thereupon proceed against and punish the Person so having made Default, in like Manner as they might have done if such Person had neglected or refused to appear in obedience to a Writ of Subpæna or other Process issued out of such last mentioned Courts respectively.

IV. Provided always, and be it further enacted, That none of such last mentioned Courts shall in any Case proceed against or punish any Person for having made Default by not appearing to give Evidence in obedience to any Writ of Subpæna or other Process for that Purpose, unless it shall be made to appear to such Court that a reasonable and sufficient Sum of Money to defray the Expences of coming and attending to give Evidence, and of returning from giving such Evidence, had been tendered to such Person at the Time when such Writ of Subpæna or other Process was served upon such Person.

No. 11. V. Provided always, and it is hereby further enacted, That it shall not be lawful for any Judge or Justice to indorse by virtue of either of the said recited Acts or this Act any Warrant, unless the same shall appear to have issued, if in *England* or *Ireland* upon some Indictment found or Information filed, or if in *Scotland* upon some Libel or Criminal Letters raised and passed under the Signet of the Court of Justiciary, against the Person or Persons named in such Warrant, or unless the same shall appear to have issued in respect of some Capital Crime or Felony mentioned in such Warrant; any Thing in this and the said recited Acts contained to the contrary notwithstanding.

Before Warrants
are acted upon,
Proof shall be
given of the
Sealing, &c.
thereof.

Repealed
No. 13, post.

Act shall not
affect Prosecu-
tions depending
under 44 G. 3.
c. 92.

VI. And be it further enacted and declared, That in all Cases in which any Warrant or Certificate shall, by virtue of either of the said recited Acts or this Act, be required to be acted upon in any Part of the United Kingdom, other than that in which the same was originally issued, it shall not be lawful for any Court, or any Judge or Justice to proceed to enforce or act upon the same, until it shall be proved upon Oath to such Court, Judge, or Justice, that the Seal, Signet, and Signature upon the same, are the Seal, Signet, and Signature respectively of the Court, Judge, or Justice, whose Seal, Signet, and Signature, the same respectively shall purport to be.

VII. Provided always, and be it enacted, That nothing in this Act contained shall, with respect to any Prosecution depending before the passing of this Act, be deemed or taken by any Court to alter or affect in any Manner the Construction of the said Act of the forty-fourth Year of his Majesty's Reign, if any Question should arise whether such Prosecution be authorized by the true Intent and Meaning of the said Act.

No. 12.

48 George III. c. 58.—An Act for amending the Law with regard to the Course of Proceeding on Indictments and Informations in the Court of King's Bench in certain Cases; for authorising the Execution in *Scotland* of certain Warrants issued for Offences committed in *England*; and for requiring Officers taking Bail in the King's Suit to assign the Bail Bonds to the King.—[1st. June 1808.]

No. 12. WHEREAS the Provisions contained in two Acts of 48 George III. c. 58. the twenty-sixth and thirty-fifth Years of his present Majesty's Reign, for amending the Law with regard to the Course of Proceeding on Indictments and Informations in the Court of King's Bench, in certain Cases relating to the publick Revenue, have been found beneficial, and it is

26 G. 3. c. 77. § 18.

35 G. 3. c. 96.

'expedient to extend the same to other Cases; be it therefore No. 12.
enacted by the King's most Excellent Majesty, by and with 48 George III.
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by
the Authority of the same, That whenever any Person shall When any Per-
son is charged
be charged with any Offence for which he or she may be prose-
cuted by Indictment or Information in his Majesty's Court tence (not being
of King's Bench, not being Treason or Felony, and the same Treason or Fe-
shall be made appear to any Judge of the same Court by Affi-
davit, or by Certificate of an Indictment or Information being secuted by In-
filed against such Person in the said Court for such Offence; it diction or In-
shall and may be lawful for such Judge to issue his Warrant K. B.: Upon
under his Hand and Seal, and thereby to cause such Person Affidavit there-
to be apprehended and brought before him or some other Judge of the same Court by
Judge of the same Court, or before some one of his Ma-
jesty's Justices of the Peace, in order to his or her being Judge of the
bound to the King's Majesty with two sufficient Sureties, in Court may issue
such Sum as in the said Warrant shall be expressed, with Con-
dition to appear in the said Court at the Time mentioned in his Warrant to
in such Warrant, and to answer to all and singular Indict-
ments or Informations for any such Offence; and in case any Apprehend the
such Person shall neglect or refuse to become bound as aforesaid, or
said, it shall be lawful for such Judge or Justice respectively to on Failure of
commit such Person to the Common Gaol of the County, City, Bail shall be
or Place where the Offence shall have been committed, or And if any Per-
where he or she shall have been apprehended, there to remain in Custody
until he or she shall have become bound as aforesaid, or shall not plead
be discharged by Order of the said Court in Term Time, or in 8 Days after
of one of the Judges of the said Court in Vacation; and the Copy of Indict-
Recognizance to be thereupon taken shall be returned and Notice to plead
filed in the said Court, and shall continue in Force until such
Person shall have been acquitted of such Offence, or in case of
Conviction, shall have received Judgment for the same, unless
sooner ordered by the said Court to be discharged; and that
where any Person, either by virtue of such Warrant of Com-
mitment as aforesaid, or by virtue of any Writ of *Capias ad*
Respondendum issued out of the said Court, is now detained or
shall hereafter be committed to any Gaol for
want of Bail, it shall be lawful for the Prosecutor of such
Indictment or Information to cause a Copy thereof to be deli-
vered to such Person, or to the Gaoler, Keeper, or Turnkey
of the Gaol wherein such Person is or shall be so detained, with
a Notice thereon indorsed, that unless such Person shall, within
Eight Days from the Time of such Delivery of a Copy of the
Indictment or Information as aforesaid, cause an Appearance
and also a Plea or Demurrer to be entered in the said Court to
such Indictment or Information, an Appearance and the Plea
of Not Guilty will be entered thereto in the Name of such
Person; and in case he or she shall thereupon for the said Space
of eight Days after such Delivery of a Copy of the Indictment or
Information as aforesaid, neglect to cause an Appearance, and
also a Plea or Demurrer to be entered in the said Court to such
Copy of Indict-
men, &c. and
are delivered at
the Gaol, the
Prosecutor may
enter the Plea
of Not Guilty
and proceed to
Trial.

No. 12 Indictment or Information, it shall be lawful for the Prosecutor
 48 George III. c. 53. of such Indictment or Information, upon an Affidavit being made and filed in the said Court, of the Delivery of a Copy of such Indictment or Information, with such Notice indorsed thereon as aforesaid, to such Person, or to such Gaoler, Keeper, or Turnkey, as the Case may be, which Affidavit may be made before any Judge or Commissioner of the said Court authorized to take Affidavits in the said Court, to cause an Appearance and the Plea of Not Guilty to be entered in the said Court to such Indictment or Information, for such Person, and such Proceedings shall be had thereupon as if the Defendant in such Indictment or Information had appeared and pleaded Not Guilty according to the usual Course of the said Court; and that if upon the Trial of such Indictment or Information any Defendant so committed and detained as aforesaid shall be acquitted of all the Offences therein charged upon him or her, it shall be lawful for the Judge before whom such Trial shall be had, although he may not be one of the Judges of the said Court of King's Bench, to order that such Defendant shall be forthwith discharged out of Custody as to his or her Commitment as aforesaid, and such Defendant shall be thereupon discharged accordingly.

Party acquitted
may be dis-
charged.

*13 G. 3. c. 31. II. And whereas by an Act made in the thirteenth Year of his present Majesty's Reign, intituled, "An Act for the more effectual Execution of the Criminal Laws in the Two Parts of the United Kingdom," it is among other Things enacted, that if any Person or Persons against whom a Warrant shall be issued by any Justice or Justices of the Peace of any County, Riding, Division, City, Liberty, Town, or Place within that Part of Great Britain called England, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be in any Place of that Part of Great Britain called Scotland, it shall be lawful for the Sheriff or Steward Deputy or Sub-Sub-Dictator, or any Justice of the Peace of the County or Place where such Person or Persons shall escape, go into, reside, or be, to indorse his Name on the said Warrant, which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs' Officers, Steward's Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be indorsed, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person or Persons against whom such Warrant is granted, and to convey him, her, or them into that Part of Great Britain called England, there to be dealt with in the Manner directed by the said Act; which Act has been amended by another Act, passed in the forty-fifth Year of the Reign of his present Majesty, intituled, "An Act to amend two Acts of the thirteenth and forty-fourth Years of his present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and

* bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another; and it is expedient that like Provision should be made for the Execution in Scotland of Warrants to be issued by other Persons than Justices of the Peace having Authority to issue the same in England; be it therefore enacted, That from and after the passing of this Act, all Clauses, Matters, and Things in the said recited Acts, whereby the Execution in Scotland of any Warrant or Warrants issued by any Justice or Justices of the Peace in England for any Crime or Offence against the Laws of that Part of the United Kingdom is authorized and regulated, shall extend to all Warrants issued by any of the Justices of his Majesty's Court of King's Bench in England, or of the Courts of Great Sessions in Wales, or by any Justice of Oyer and Terminer or Gaol Delivery or other Person having Authority to issue the same in England, for any Crime or Offence against the Laws of Ireland, in full and ample a Manner, to all Intents and Purposes as if such last mentioned Justices and Persons were named in the said recited Acts.

iii. And be it further enacted, That if any Person shall be arrested after the passing of this Act, by any Writ of Capias ad Respondendum issuing out of any of his Majesty's Courts of Record at Westminster, or out of the Superior Court of either of either of the Counties Palatine, or out of any of the Courts of Great Sessions in Wales, at the Suit of the King's Majesty, his Heirs or Successors, and the Sheriff or other Officer shall take Bail from such Person, the Sheriff or other Officer at the Request and Costs of the Prosecutor of such Writ shall assign to the King's Majesty, his Heirs and Successors, the Bail Bond taken from such Bail, by indorsing the same and attesting it under his Hand and Seal in the Presence of two or more credible Witnesses, which may be done without any Stamp, provided the Assignment so indorsed be duly stamped before any Suit be commenced thereupon; and if such Bail Bond be forfeited, such Process shall thereupon issue as on Bonds originally made to the King's Majesty, his Heirs and Successors, and the Court in which such Bail Bond is put in Suit, may by Rule or Rules of the same Court give such Relief to the Defendant or Defendants as is agreeable to Justice and Reason.

No. 13.

54 George III. c. 186.—An Act for the more easy apprehending and trying of Offenders, escaping from one Part of the United Kingdom to the other.—[30th July 1814.]

WHEREAS an Act passed in the thirteenth Year of his present Majesty's Reign, intituled "An Act for the more effectual Execution of the Criminal Laws of the two

No. 12.
48 George III.
c. 186.

No. 13.
54 George III.
c. 186.

No. 13. ‘Parts of the United Kingdom;’ And whereas another Act
54 George III. passed in the forty-fourth Year of his present Majesty’s
c. 186. Reign, intituled “An Act to render more easy the apprehend-
13 G. 3. c. 31. ing, and bringing to Trial, Offenders escaping from one Part
44 G. 3. c. 92. of the United Kingdom to the other, and also from one County
to another;” And whereas another Act passed in the forty-
45 G. 3. c. 92. fifth Year of the Reign of his present Majesty, intituled,
“An Act to amend two Acts of the thirteenth and forty-
fourth Years of his present Majesty, for the more effectual
Execution of the Criminal Laws, and more easy apprehend-
ing and bringing to Trial, Offenders escaping from one Part
of the United Kingdom to the other, and also from one
County to another;” And whereas it is expedient that the
Restriction, in the said last recited Act contained, as to the
Warrants to be indorsed under the said recited Acts, should
be repealed, and that further Provision should be made for
apprehending and Trial of Offenders escaping from one
Part of the United Kingdom to the other: May it there-
fore please your Majesty that it may be enacted; and be it
enacted by the King’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, That so much of the said last recited
45 G. 3. c. 5. 6. Act as enacts, that it shall not be lawful for any Judge or
repealed. Justice to indorse any Warrant, unless the same shall appear
to have issued, if in *England* or *Ireland*, upon some Indict-
ment found or Information filed, or if in *Scotland*, upon some
Libel or Criminal Letters raised and passed under the Signet
of the Court of Justiciary, against the Person or Persons
named in such Warrant, or unless the same shall appear
to have issued in respect of some capital Crime or Felony
mentioned in such Warrant; and that in all Cases in which
any Warrant or Certificate shall be required to be acted
upon in any Part of the United Kingdom, other than that in
which the same was originally issued, it shall not be lawful
for any Court, or any Judge or Justice, to proceed to enforce
or act upon the same, until it shall be proved upon Oath to
such Court, Judge or Justice, that the Seal, Signet and Signature
upon the same are the Seal, Signet and Signature respec-
tively of the Court, Judge or Justice, whose Seal, Signet, and
Signature the same respectively purport to be, shall be and the
same are hereby repealed.

Warrants in-
dorsed and ac-
ted upon in
either Country,
13 G. 3. c. 31.
§ 1, 2. II. And be it further enacted, That, from and after the
passing of this Act, all Warrants issued in *England*, *Scotland*,
or *Ireland* respectively, may and shall be indorsed and exe-
cuted, and enforced and acted upon, in any Part of the United
Kingdom, in such and the like Manner as is directed by the
said first recited Act of the thirteenth Year of the Reign of his
present Majesty, in relation to Warrants issued or granted
in *England* and *Scotland* respectively, as fully and effectually,
to all Intents and Purposes, as if all the Provisions of the said
Act were in this Act severally and separately repeated and

re-enacted and made Part of this Act, as to every Part of the United Kingdom, and as to all Justices of the Peace, Sheriffs⁵⁴ George III.
Officers, Constables or other Officer or Officers of the Peace c. 186.
in Ireland, as well as in England and Scotland respectively.

III. And be it further enacted, That it shall be lawful for Judges, in either any Judge of any of his Majesty's Courts of Record in West-Country, to indorse Letters of Second Diligence, of the Court of Sessions in the County Palatine of Chester, or of any of the Courts of Great Sessions in Wales, or for any Judge of any of his Majesty's Courts of Record in Dublin, to indorse any Letters of second Diligence issued in Scotland, for compelling the Attendance of any Witness or Witnesses resident in England, Wales or Ireland, upon any Criminal Trial in Scotland; and such Letters shall upon such Indorsement have the like Force and Effect as the same would have in Scotland, and shall entitle the Bearer thereof to apprehend the Witness or Witnesses mentioned therein, and to convey such Witness or Witnesses to Scotland, for the Purposes of the Trial or Trials in respect of which such Letters shall have been issued, without any Tax or any Expence or Expences of any such Witness or Witnesses; any Thing contained in the said last recited Act of the forty-fifth Year aforesaid to the contrary notwithstanding.

(B)

EXAMINATION—BAIL—COMMITMENT.

No. 1.

3 Edward I. c. 15.—Which Prisoners be mainpernable, and which not. The Penalty for unlawful Bailment.

Cotton MS.

ET purceo qe les Viscontes, et autres, qe ouint pris et detenuz en prison gentz rettez de felonie, neint foits ouint lessez per plevine le gent qe ne sont mie repleviables, et ouint detenuz en prison ceux qe estoient repleviables, per acheson de gainer de eux, et de graver les autres. Et purceo qavant ces heures ne fuit mie termine certainement queux feurent repleviables, et queux non, fors pris ceux qestoint pris pur

“**A**ND forasmuch as She-
“riffs, and other, which
“have taken and kept in Pri-
“son Persons detected of Fe-
“lony, and incontinent, have
“let out by Replevin such
“as were not repleviable,
“and have kept in Prison
“such as were repleviable,
“because they would gain of
“the one party, and grieve
“the other; and forasmuch
“as before this Time it was
“not determined which Per-
“sons were repleviable, and

No. 1.
3 Edward I.
c. 15.

Cotton M.S.

No. 1. "which not, but only those
 3 Edward I. "that were taken for the
 c. 15. "Death of Man, or by Com-
 "mandment of the King, or
 "of his Justices, or for the
 "Forest;" It is provided,
 "and by the King commanded,
 "that such Prisoners as before
 "were outlawed, and they
 "which have abjured the Realm,
 "Provors, and such as be
 "taken with the Manour, and
 "those which have broken the
 "King's Prison, Thieves open-
 "ly defamed and known, and
 "such as be appealed by Pro-
 "vors, so long as the Provors
 "be living (if they be not of
 "good Name) and such as be
 "taken for House-burning felon-
 "iously done, or for false Mo-
 "ney, or for counterfeiting the
 "King's Seal, or Persons ex-
 "communicate, taken at the
 "Request of the Bishop, or
 "for manifest Offences, or for
 "Treason touching the King
 "himself, shall be in no wise
 "repleivable by the common
 "Wit nor without Wit; But
 "such as be indicted of Lar-
 "ceny, by Enquests taken
 "before Sheriffs or Baillifs by
 "their Office, or of light Sus-
 "pcion, or for petty Larceny
 "that amounteth not above
 "the value of $xii d.$ if they
 "were not guilty of some other
 "Larceny aforetime, or guilty
 "of Receipt of Felons, or of
 "Commandment, or Force, or
 "of Aid in Felony done; or
 "guilty of some other Tres-
 "pass, for which one ought
 "not to lose Life nor Member,
 "and a Man appealed by a
 "Provost after the Death of the
 "Provost (if he be no common
 "Thief, nor defamed) shall
 "from henceforth be let out
 "by sufficient Surety, whereof

mort de homme, ou per com-
 mandement le Roi, ou de ses
 Justices, ou per la foreste:
 Purveu est, et commaunde per
 le Roi, qe les prisons qj sont
 avant utlagez, et ceux qj coint
 forjure la terre, provurs, ceux
 qj sont pris ove mainoeuvre,
 ceux qj ont depeche la pris-
 sonne le Roi, larons aperte-
 ment escries, & notoires, &
 ceux qj sont appellez de pro-
 vors tantz come le provur vist,
 Se sils ne soient de bone fame,
 & ceux qj sont pris pur arsou
 felonusement fait, ou pur faux
 monoye, ou fausours du seal le
 Roi, ou escomegne pris per
 priete Levesque, ou per aperte
 malvete, ou treason qe tou-
 che le Roi mesmes, ne soient
 en nul manere replevisables
 per le commune brief, ne sanz
 brief: Mes ceux qj sount endi-
 tez de larcine per enquestes
 des Viscontes ou de Baillifs
 prises de leur office, ou per
 leger suspencion, ou per petit
 larcine, qe ne amonte autre
 la value de xii deniers, si ne
 soit rette de autre larcine
 avant celle heure, ou rette de
 recetterement des felouns, ou de
 comandement, ou de la force,
 ou del eide de felonie fait; ou
 rette d'autre trespass pur la que-
 le homme ne doit perdre vie,
 ne membre; Et homme appe-
 le de provost puis la mort le
 provost, sils [ne] soient aperte
 larons escriez, soient deso-
 remes lessiez pur suffisant ple-
 vin, dont le Viscount voile
 respondre, & ceo saunz rein
 doner de lour. Et si Viscountes
 ou autres, lessent per
 plevin nul qe ne soit reple-
 visable, si cest Viscounte,
 Conestable, ou autre Baillif
 de fee & qe eit garde des pri-
 sons, & de ceo soit atteint,

What sort of
Offenders be
not mainpern-
able.

Cotton MS.

perde la fee & la braille a touz
jours; & si souz-viscounte,
Constable, ou Bailli, celui
qui a tel fee pur garder les
prisons, eit ceo fait sonz la
volunte son seigneur, ou autre
bailli qe ne soit de son, eit la
prisone de trois ans, & soit
reint a la volunte le Roi. Et
si nul detegne les prisons
replevisable, puis qe le prison
eit offert suffisaunte seurete, il
serra en la greve mercye le
Roi; & sil preigne lower pur
la deliverer, il rendra le dou-
ble al prison, & ensement
serra en la greve mercye le Roi.

No. 1.
the Sheriff will be answer-
able, and that without giving ^{3 Edward I.}
ought of their Goods. And ^{c. 15} The Penalty
if the Sheriff, or any other, for unlawful
let any go at large by Surety, Malaprise.
that is not replevisable, if
he be Sheriff or Constable,
or any other Bailiff of Fee,
which hath keeping of Pri-
sons, and thereof he attainted,
he shall lose his Fee and
Office for ever. And if the
Under-Sheriff, Constable, or
Bailiff of such as have Fee
for keeping of Prisons, do it
contrary to the Will of his
Lord, or any other Bailiff
being not of Fee, they shall
have three Years Imprison-
ment, and make Fine at the
King's Pleasure. And if any ^{The Penalty for}
withhold Prisoners replevis-
able, after that they have main-
tainable, offered sufficient Surety, he
shall pay a grievous Amer-
ciament to the King; and if
he take any Reward for the
Deliverance of such, he shall
pay double to the Prisoner,
and also shall be in the great
Mercy of the King.'

No. 2.

4 Edward III. c. 10.—Sheriffs and Gaolers shall receive
Offenders without taking any Thing.

No. 3.

5 Edward III. c. 8.—The Marshals of the King's Bench
shall not bail Felons.

No. 4.

23 Henry VI. c. 9.—No Sheriff shall let to ferm his
County or any Bailiwick. The Sheriffs and Bailiffs
Fees and Duties in several Cases.

[See Pt. IV. Cl. III. No. 10.]

No. 5.

Richard III. c. 3.—Every Justice of Peace may let a Prisoner to Mainprise. No Officer shall seize the Goods of a Prisoner until he be attainted.

No. 5. **F**ORASMUCH as divers Persons have been daily arrested and imprisoned for Suspicion of Felony, sometime of Malice, and sometime of a light Suspicion, and so kept in Prison without Bail or Mainprise, to their great Vexation and Trouble; Be it ordained and established by Authority of this present Parliament, That every Justice of Peace in every Shire, City, or Town, shall have Authority and Power, by his or their Discretion, to let such Prisoners and Persons so arrested, to Bail or Mainprise, in like Form as though the same Prisoners or Persons were indicted thereof of Record before the same Justices in their Sessions; and that Justices of Peace have Authority to inquire in their Sessions of all Manner Escapes of every Person arrested and imprisoned for Felony. And that no Sheriff, Under-Sheriff, nor Escheator, Bailiff of Franchise, nor any other Person, take or seize the Goods of any Person arrested or imprisoned for Suspicion of Felony, before that the same Person, so arrested or imprisoned, be convicted or attainted of such Felony according to the Law, or else the same Goods otherwise lawfully forfeited; upon Pain to forfeit the double Value of the Goods so taken, to him that is so hurt in that Behalf, by Action of Debt to be pursued by like Process, Judgement and Execution, as is commonly used in other Actions of Debt sued at the Common Law; and that no Essoin or Protection be allowed in any such Action; nor that the Defendant in any such Action be admitted to wage or do his Law.

Escape of Felons inquisitable by Justices of Peace.
No Officer shall seize the Goods of a Prisoner until he be attainted, or the Goods forfeited.

Richard III. c. 3. Every Justice of Peace may admit a Prisoner to Bail. Rep. 3. H. 7. c. 3. t & 2 Ph. & M. c. 13.

No. 6.

Henry VII. c. 3.—Justices of Peace may let Prisoners to Bail. The Sheriff shall certify the Names of all his Prisoners at the Gaol delivery.

No. 6. **I**TEM, Where in the Parliament late holden at Westminster, the first Year of Richard, late in Deed, and not of Right, King of England, the Third; it was ordained and enacted among other divers Acts, That every Justice of the Peace in every Shire, City, or Town, should have Authority and Power, by his or their Discretion, to let Prisoners, and Persons arrested for light Suspicion of Felony, to Bail or Mainprise; by Colour whereof afterward divers Persons, such as were not mainpernable, were oftentimes lettten to Bail and Mainprise, by Justices of the Peace, against the due Form of the Law, whereby many Murderers and Felons escaped, to the great Displeasure of the King, and Annoyance of his

Richard VII. c. 3. R. 3. c. 3.

liege People? Wherefore the King our said Sovereign Lord No. 6.
 considering it, by the Advice and Assent of the Lords Spiritual 3 Henry VII.
 and Temporal, and the Commons, in this present Parliament
 assembled, and by the Authority of the same, hath ordained,
 established, and enacted, That the Justices of Peace in
 every Shire, City, or Town, or two of them at the least,
 whereof one to be of the Quorum, have Authority and Justice of the
 Power to let any such Prisoners, or Persons mainpernable by Peace may let a
 the Law, that have been imprisoned within their several Mainprise, who
 Counties, City, or Town, to Bail or Mainprise, unto their mainpernable.
 next general Sessions, or unto the next Gaol-delivery of the 1 & 2 Phil. &
 same Gaols in every Shire, City, or Town, as well within Mar. c. 13.
 Franchises as without, where any Gaols been or hereafter
 shall be; and that the said Justices of the Peace, or one of
 them, so taking any such Bail or Mainprise, do certify the
 same at the next general Sessions of the Peace, or the next
 general Gaol-delivery of any such Gaol within every such
 County, City, or Town, next following after any such Bail or
 Mainprise so taken, upon Pain to forfeit unto the King for
 every Default thereupon recorded x. li. And moreover it is The Sheriff
 enacted by the same Authority, That every Sheriff, Bailiff of shall certify the
 Franchise, and every other Person, having Authority or Power Names of all
 of keeping of Gaol, or of Prisoners for Felony, in like Manner Custody to the
 and Form do certify the Names of every such Prisoner in their Justices of Gaol
 Keeping, and of every Prisoner to them committed for any delivery.
 such Cause, at the next general Gaol-delivery, in every
 County or Franchise where any such Gaol or Gaols have been,
 or hereafter shall be, there to be kalendred before the Justices
 of the Deliverance of the same Gaol, whereby they may, as
 well for the King as for the Party, proceed to make Deliver-
 ance of such Prisoners according to the Law, upon Pain to
 forfeit unto the King for every Default thereof recorded, C. s.
 and that the foresaid Act giving Authority and Power in the A Repeal of the
 Premisses to any Justice of the Peace by himself, be in that Stat. of 1 R. 3.
 Behalf utterly void and of none Effect by Authority of this c. 3. touching
 present Parliament. bailing of Pri-
 soners.

No. 7.

1 and 2 Philip and Mary, c. 13.—An Act touching Bail-
 ment of Persons.

WHERE in the Parliament holden at Westminster in the No. 7.
 third Year of the Reign of the Noble Prince King 1 and 2 Philip
 Henry the Seventh, it was among other Things ordained and Mary,
 and enacted, That no Prisoner arrested for Felony, should be In what Man-
 letten to Bail or Mainprise by any one Justice of Peace, but ner Justices of
 by the whole Justices; or at least by two of them, whereof Peace may bail
 one to be of the Quorum; since the making of which Esta- Persons arrested
 fute, one Justice of Peace in the Name of himself and Suspicion there- of, &c.
 one other of the Justices his Companion, not making the 3 H. 7. c. 3.

No. 7. *I and 2 Philip and Mary, c. 13.* said Justice party nor privy unto the Case wherefore the Prisoner should be bailed, hath oftentimes by sinister Labour and Means set at large the greatest and notablest Offenders, such as be not repleviable by the Laws of this Realm; and yet the rather to hide their Affections in that Behalf, have signed the Cause of their Apprehension to be but only for Suspicion of Felony, whereby the said Offenders have escaped unpunished, and do daily, to the high Displeasure of Almighty God, the great Peril of the King and Queen's true Subjects, and Encouragement of all Thieves and Evil-doers.'

None shall be let to Bail which he forbidden to be bailed by the Stat. of 3 Ed. c. 15.

II. For Reformation whereof, be it ordained and enacted by the King and Queen's Majesties, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That from and after the first Day of April next coming, no Justice or Justices of Peace shall let to Bail or Mainprise any such Person or Persons, which for any Offence or Offences by them or any of them committed, be declared not to be replevised or bailed, nor be forbidden to be replevised or bailed by the Statute of Westminster primer, made in the Parliament holden in the third Year of the Reign of King Edward the First.

III. And furthermore, That any Person or Persons arrested for Manslaughter or Felony, or Suspicion of Manslaughter or Felony, being bailable by the Law, shall not after the said Day of April be let to Bail or Mainprise by any Justices of Peace, if it be not in open Sessions, except it be by two Justices of Peace at the least, whereof one to be of the Quorum, and the same Justices to be present together at the Time of the said Bailment or Mainprise; which Bailment or Mainprise they shall certify in Writing subscribed or signed with their Hands, at the next General Gaol-delivery to be holden within the County where the said Person or Persons shall be arrested or suspected.

IV. And that the said Justices, or one of them being of the Quorum, when any such Prisoner is brought before them for any Manslaughter or Felony before any Bailment or Mainprise, shall take the Examination of the said Prisoner,

(1.) In *Rex v. Paine*, 1. Salk. 281, the Court ruled that the Deposition taken in a Case of Misdemeanour could not be read, the Witness being dead. The Court said, that in case of Felony, such Depositions might be used in Evidence by this Statute, but it could not be extended further. But there is nothing in this Act, or in the next Number, (which extends the same Provisions to Cases where the Prisoner is committed), which ordains, that if the Deponent die his Depositions may be given in Evidence on the Trial. In 2 Hale, P. C. 52, it is said, 'The Examinations, (viz. of the Party accused) may be read in Evidence against the Prisoner, and so may the Information of Witnesses taken upon Oath, if they are dead, or not able to travel, for they (the Justices) are Judges of Record, and the Statute enables and requires them to take these Examinations.' The same Position is in 1 Hale, 305. In 1 Hawk. Ch. 46, § 6, it is said, that the Examination of an Informer, taken by virtue of these Statutes, may be given in Evidence at the Trial of the Indictment or Indictment; if it be made out by Oath to the Satisfaction of the Court, that such Informer is dead, or unable to travel, or

The Justice's Duty in Bailment of a Prisoner.

and Information of them that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in Writing, before they make the same Bailment; which said Examination, together with the said Bailment, the said Justices shall certify and certifying at the next General Gaol-delivery, to be holden within the Limits of their Commission.

V. And that every Coroner, upon any Inquisition before him found, whereby any Person or Persons shall be indicted for Murder or Manslaughter, or as Accessory or Accessories to the same before the Murder or Manslaughter committed, shall put in Writing the Effect of the Evidence given to the Jury before him, being material: And as well the said Justices as the said Coroner, shall have Authority by this Act to bind all such by Recognizance or Obligation, (2.) as do declare any

kept away by the Means or Procurement of the Prisoner. Sir Mic. Foster, enumerating the Instances wherein the Law makes a Difference between the Cases of *Petit Treason* and *Murder*, says that, ‘Upon the Foot of 5 and 6 Ed. VI. Informations taken before Justices of Peace are not Evidence to ground a Conviction for *Petit Treason* if the Party be living, though unable to travel, or kept out of the Way by the Prisoner;’ Cro. Law. 337; plainly intimating his Opinion of the Admissibility of such Evidence in Cases of Felony. In Webster’s Case, Leach’s Cro. Ca. 14, the Information of an Accomplice who died before Trial, is said to have been adjudged by Ld. Ch. Justice Lee to be admissible. In Bromwich’s Case, Lev. 180. 2 Jon. 53. it was ruled that Depositions before a Coroner were Evidence, if the Witness was dead or beyond Sea; but according to the Report in Jon. it was said, that those taken before a Justice of Peace can in no Case be read. *Vide* 1 Kelynge, 55. Harrison’s Case, State Trials, 941. The Weight of Authorities upon the Point seems to be such, that it would be too late to reason upon the Construction of the Act, although (were such Reasoning not excluded) the Exposition which has been given to it may be very disputable. *Vide* 3 T. R. 707, *Rex v. Eriswell*. *The Editor’s Note to Rex v. Paine*, in the sixth Edition of Salkeld.

(2.) In 2 Hale, P. C. 282. it is said, that the Justices who take the Examination of Witnesses may, before the Trial, bind over the Witnesses to appear at the Sessions, and in case of their Refusal to come; or to be bound over, may commit. In Barnet v. Wilson, 3 M. and S. 1. it was held, that no Action could be maintained for committing a *Feme Covert*, who did not find Surety to appear at the Trial, and said “she would not go; and Nobody should make her.” The Decision was founded upon the positive Act of *Refusal*; but, from some Expressions of the Court, it may be inferred to be the Inclination of their Opinion, that a Magistrate may commit an *Infant* or *Feme Covert*, not finding Sureties to appear to give Evidence for Felony. And in the Argument of Counsel for the Defendant it is said to be the uniform Practice, in case both of Infants and married Women, to require a Recognizance of some third Person, if they refuse to appear, and in case of Refusal of such Recognizance, to commit.

I have no Doubt that there have been many Instances of such Commitment; but, from a long Acquaintance with Magisterial Functions, I am satisfied that it is very far from being an uniform Practice; and I think it would be extremely dangerous if the Law appeared to be otherwise upon Principle, to allow the Number of Instances which might be shewn to have taken place, of such Commitments, to have any Influence on the Decision of the Question; unless such Instances had been expressly sanctioned by the Authority of the superior Courts; more especially when it is considered that those who, from their Situation, would be liable to prosecute the Party, would, in almost every Instance, be equally unable to have a *Remedy* of Redress, either by Action or by Writ of *Habeas Corpus*. I well remember having read an Account of Lord Kenyon incidently mentioning, that

No. 7.
1 and 2 Philip and Mary,
c. 13.

Examination of
him and others,
and certifying
thereof, 2 & 3
Ph. & M. c. 10.

The Coroner's
Duty upon an
Inquisition
found before

No. 7. Thing material to prove the said Murder or Manslaughter, & and 2 Philip Offences or Felonies, or to be Accessory or Accessories to the and Mary, same as is aforesaid, to appear at the next General Gaol-delivery to be holden within the County, City or Town Corporate, where the Trial thereof shall be, then and there to give Evidence (3.) against the Party so indicted at the Time of his Trial; and shall certify as well the same Evidence as such Bond or Bonds in Writing, as he shall take, together with the Inquisition or Indictment before him taken and found, at or before the Time of his said Trial thereof to be had or made:

The Penalty of And likewise the said Justices shall certify all and every such *any Justice of* Bond taken before them, in like Manner as before is said of *Peace or Coro-* Bailments and Examination: And in case any Justice of Peace *ner omitting his* or Quorum, or Coroner, shall after the said first Day of April offend in any Thing contrary to the true Intent and Meaning of this present Act, that then the Justices of Gaol-delivery of the Shire, City, Town or Place, where such Offence shall happen to be committed, upon due Proof thereof by Examination before them, shall for every such Offence set such Fine on every of the same Justices of Peace and Coroner, as the same Justices of Gaol-delivery shall think meet, and shall estreat the same, as other Fines and Amerciaments assessed before Justices of Gaol-delivery ought to be.

Justices of
Peace of Lon-
don, Middle-
sex, &c.

VI. Provided always, and be it further enacted by the Authority aforesaid, That Justices of Peace and Coroners within the City of London and the County of Middlesex, and in other Cities, Boroughs and Towns Corporate within this Realm and Wales, shall within their several Jurisdictions have Authority to let to Bail Felons and Prisoners, in such Manner and Form as they have been heretofore accustomed; this Act or any Thing therein contained to the contrary notwithstanding: And also shall take Examinations and Bonds, as is aforesaid upon every Bailment by them or any of them to be made; and shall certify every such Bailments, Bonds and Examinations by them or any of them taken or made, at the next Gaol-delivery to be holden within the Shire, City, Borough or Town, where

had been a Calendar of Prisoners which contained such a Commitment, and expressing a decided Opinion of its Illegality. The Commitment in case of wilful Refusal seems to be a fair Exertion of the implied Authority given by the Statute; but, that the Inability of an Infant or married Woman to find collateral Surety for appearing to testify the Injury which they suffered, or the Crimes which they may be cognizant, should be a Ground for immuring them in a Prison from one Assizes to another, again Languish so flagrant and palpable, that it ought not to be imputed to the Law, but only the Authority than the most express and unequivocal Mandate of the Legislature; and such Commitments, to use the Language of Sir Joseph Yales with respect to General Warrants, (*Mouey v. Leach, 1 Bl. Rep. 855.*) ought be held so totally bad, that an Usage even from the Foundation of Rome itself would not make them good.

(8.) *Quare, If the Magistrate can also compel a Recognizance to prefer an Indictment?* — I was once consulted upon this Question, where the Person in whose Name a Forgery had been committed was willing to be bound to give Evidence, but refused to enter into the Recognizance to prefer the Indictment, and did not feel that I could safely advise the Magistrate to commit.

their several Jurisdictions extendeth, upon like Pain and Forfeiture as is before limited in this present Act.

VII. And be it also enacted by the Authority aforesaid, That no Writs of *Habeas Corpus* or *Certiorari* shall be hereafter granted to remove any Prisoner out of any Gaol, or to remove any Recognisance, except the same Writs be signed with the proper Hands of the Chief Justice, or in his Absence one of the Justices of the Court out of which the same Writs shall be awarded or made; upon Pain that he that writeth any such Writs, not being signed as is aforesaid, to forfeit to our said Sovereign Lord the King and the Queen, for every such Writ and Writs, five Pounds.

No. 7.
2 and 3 Philip
and Mary,
c. 13.

Removing of a
Prisoner or
Re-

No. 8.

2 and 3 Philip and Mary, c. 10.—An Act to take Examination of Prisoners suspected of any Manslaughter or Felony.*

WHERE in the last Parliament holden at Westminster, amongst other Things it was enacted, That such Justices of the Peace as have Authority to bail any Prisoners brought before them for any Manslaughter or Felony, before any Bailment or Mainprise, should lette the Examination of the said Prisoner; and Information of them that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in Writing before they make the same Bailment; which said Examination, together with the said Bailment, the said Justices shall certify at the next General Gaol-delivery to be holden within the Limits of their Commission, as by the same Act more plainly is contained, and may appear:

II. And forasmuch as the said Act doth not extend to such Prisoners as shall be brought before any Justices of Peace for Manslaughter or Felony, and by such Justice shall be committed to ward for the Suspicion of such Manslaughter or Felony, and not bailed, in which Case the Examination of such Prisoner, and of such as bring him, is as necessary, or rather more, than where such Prisoner shall be let to Bail or Mainprise: Be it therefore enacted by the Authority of this present Parliament, That from henceforth such Justice of Justice of Peace shall examine him that is suspected of Manslaughter or Felony, before he or they shall committe and such Prisoner to Ward, shall take the Examination of such Prisoner, and Information of those that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony, shall put in Writing within two Days after the said Examination, and the same shall certify in such Manner and Form, and at such Time, as they shalld and please to set, if such Prisoner so

No. 8.
2 and 3 Philip
and Mary,
c. 10.

Justices of
Peace shall ex-
amine Persons
arrested of Fe-
lony, &c. and
shall bind their
Accusers to give
Evidence against them.

A Justice of
Peace shall ex-
amine him that
is suspected of
Felony, before
he be commit-
ted to Prison.

* See the Notes to the last Number.

No. 8. committed or sent to Ward had been bailed or let to Main-
prise, upon such Pain as in the said former Act is limited and
and Mary,
c. 10.
and appointed for not taking, or not certifying, such Examinations
as in the said former Act is expressed. And be it further enact-
ed, That the said Justices shall have Authority by this Act, to
bind all such by Recognisance or Obligation, as do declare
any Thing material to prove the said Manslaughter or Felony
against such Prisoner as shall be so committed to Ward, to ap-
pear at the next general Gaol-delivery to be holden within the
County, City or Town Corporate where the Trial of the said
Manslaughter or Felony shall be, then and there to give Evi-
dence against the Party, and that the said Justices shall certify
the said Bonds taken before them, in like Manner as they
should and ought to certify the Bonds mentioned in the said
former Act, upon Pain as in the said former Act is mentioned,
for not certifying such Bonds as by the said former Act is limit-
ed and appointed to be certified.

No. 9.

4 George III. c. 10.—An Act for the more easy Dis-
charge of Recognizances estreated into his Majes-
ty's Court of Exchequer.

No. 9.
4 George III.
c. 10.
WHEREAS many Recognizances have been estreated
into his Majesty's Court of Exchequer against
Persons for not appearing as Parties or Witnesses in his Ma-
jesty's Courts of Record at Westminster, or at the Assizes and
General Quarter Sessions, or other Courts of Record in that
Part of Great Britain called England, or for not prosecuting
Indictments there, or otherwise not performing the Condi-
tions in such Recognizances contained; many of which
Neglects of Duty have happened by the Inattention of igno-
rant People, some of whom are imprisoned, and a great
Number of others liable to be so, by the Process constantly
issued against them out of the Courts of Exchequer, and di-
rected to the Sheriffs, and no other Prosecution be sub-
sisting but merely for such Neglects of their Recognizances,
from which there are no other Means at present, for poor
Persons especially, to procure any Discharge; For Remedy
whereof, Be it enacted by the King's most Excellent Majesty
by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament as-
sembled, and by the Authority of the same, That from and
after the fifth Day of May one thousand seven hundred and sixty-
four, it shall be lawful for the Barons of his Majesty's Court of
Exchequer, upon Affidavit and Petition to be presented to them
by the Behalf of the Person or Persons imprisoned, or liable
to be imprisoned, on the Forfeiture of any such Recognizan-
ce to discharge such Person or Persons, by Order from the
said Barons, without any Quicuia to be given out for that Pur-

After May 1,
1764, the Bar-
ons of the Ex-
chequer em-
powered to dis-
charge, upon
Affidavit and
Petition, and
without Quicuia
given, Recog-
nizances of Per-
sons estreated
into the Ex-
chequer;

pose; for which Order no more than one Pound and one Shilling shall be taken by the Officer appointed to give off the same: Provided that no Discharge shall be given on such Petitions where any Debt is due to the Crown, other than by the Recognizances so prayed to be discharged; nor in any Cases of defrauding his Majesty's Revenue by contraband Trade, or assaulting his Majesty's Officers of the Customs or Excise in the Execution of their Duty, or any Person or Persons lawfully assisting them therein.

No. 9.
4 George III.
c. 10.
Fee payable upon such Order, 11*rs.*
Debts due to the Crown;
Cases of Frauds by contraband Trade; and assaulting Officers of the Revenue excepted.

No. 10.

- 48 George III. c. 58.—An Act for amending the Law with regard to the Course of Proceeding on Indictments and Informations in the Court of King's Bench in certain Cases; for authorising the Execution in Scotland of certain Warrants issued for Offences committed in England; and for requiring Officers taking Bail in the King's Suit to assign the Bail Bonds to the King.—[1st. June 1808.]

[See A. 19, supra.]

(C)

INDICTMENTS — INFORMATIONS — AND
OTHER CRIMINAL PROSECUTIONS.

No. 1.

- 9 Henry III. (*Magna Charta*) c. 34.—In what Case only a Woman shall have an Appeal of Death.

Ex Rot. in Turr. Lond.
NULLEUS capitatur aut impri-
sonetur propter ap-
pellum feminæ de morte alteri-
us quam viri sui.

NO Man shall be taken or imprisoned upon the Appeal of a Woman for the Death of any other, than of her Husband.

No. 1.
9 Henry III.
c. 34.

- Edward I. c. 14.—Appeal against the Principal and Accessory.

No. 3.

- 6 Edward I. c. 9.—One Person killing another in his own Defence, or by Misfortune. An Appeal of Murther.

[Inserted Cl. IV. No. 3.]

No. 4.

- 13 Edward I. c. 12.—The Appellant being acquitted, the Appellor and Abettors shall be punished. There shall be no Essoin for the Appellor.

No. 5.

- 13 Edward I. c. 13.—The Order of the Indictments taken in the Sheriff's Turn.

No. 6.

- 1 Edward III. st. 2. c. 17.—Indictments in the Sheriff's Turn shall be by Roll indented.

No. 7.

- 28 Edward III. c. 9.—No Writ shall be directed to a Sheriff to charge an Inquest to indict any.

No. 8.

- 4 Henry IV. c. 2.—The Words *Insidiatores viarum,* &c. shall not be put in any Indictments, &c.

[For the Object of this Act see 3 Inst. 41.—Barrington on Stat. 357.]

No. 9.

- 1 Henry V. c. 5.—In which Original Writs Additions of the Defendants Names shall be put.

[See Pt. IV. Cl. VI. No. 6.]

No. 10.

- 7 Henry V. c. 1.—A Remedy against those that indict others of Felony committed in a Place where there is none such. Process against Makers, &c. of false Deeds.

No. 11.

- 18 Henry VI. c. 12.—Appeals or Indictments of Felony committed in a Place where there is none such.

No. 12.

- 37 Henry VIII. c. 8.—The Act that any Indictment lacking these Words, *Vi & armis*, shall be good.

WHERE before this Time it was and yet is commonly used in all Indictments and Inquisitions of Treason, Murder, Felony, Trespass and divers other, to have comprised and put in every the same Indictments and Inquisitions these Words, *Vi et armis*, and in divers of the same Indictments to declare the Manner of the Force and Arms; that is to say, *Vi et armis, videlicet, baculis, cultellis, arcubus et sagittis*, or such other like Words in Effect, where of Truth the Parties so indicted had no manner of such Weapons at the Time of the said Offence committed and done; yet in Default and Lack of the same Words, the said Indictments were and yet be taken as void in the Law, for to put any Person to answer thereunto: And the Party or Parties so indicted, for lack of the same Words not being comprised and put in the said Indictments, have taken Advantage thereof, and have avoided the same Indictments by Writ or Writs of Error, or by Plea upon his or their Appearance, as the same Case did require. For Reformation whereof, be it enacted by the King our Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, That from the Feast of the Nativity of our Lord God Indictments next coming, these Words, *Vi et armis, vis. cum baculis, lacking Vi & cultellis, arcubus et sagittis*, or such other like, shall not of good in Law. Necessity be put or comprised in any Inquisition or Indictment; nor that the Party or Parties being hereafter indicted of any Offence, shall have or take any Advantage by Writ or Writs of Error, Plea or otherwise, to adulterate or avoid any such Inquisition or Indictment, for that, that the said Words *Vi et armis, vis. baculis, cultellis, arcubus et sagittis*, or any of the same or like Words, shall not be put or comprised in the said Inquisitions or Indictments: But that the same Inquisitions or The Words

No 19. Indictment, and every of them, lacking the said Words, *Vi et armis, vir baculis, cunctibus et sagittis*, or any of them, shall from thenceforth, by the Authority aforesaid, be taken, deemed and adjudged, to all Intents, Constructions and Purposes, as good and effectual in the Law, as the same Inquisitions and Indictments, having the said Words, *Vi et armis, vir baculis, cunctibus et sagittis*, comprised and put in every of the same Inquisitions and Indictments were or heretofore have been taken, deemed or adjudged, any Law, Usage or Custom heretofore had and used to the contrary notwithstanding.

Be it also enacted by the said Act,

If it shall be found that any Person or Persons, at any Time after the said

Feast of the Nativitie of our Lord God next coming, do steal any Horse, Gelding, Mare, Fole or Filly, and thereto be

found guilty by the Verdict of twelve Men, or by his own

Confession be attainted, or otherwise be indicted for the stealing of any Horse, Gelding, Mare, Fole or Filly, and thereupon arraigned, and do stand Mute of Malice or froward

Mind, or challenge peremptorily above the Number of twenty, or else will not answer directly to the same Indictment and

Felony whereupon he is so arraigned, that then every such

Person and Persons shall not from henceforth be admitted to

have the Benefit of his or their Clergy, but utterly be excluded

thereof, and shall suffer Death in such Manner and Form as

they should have, if they were no Clerks.

No. 18.

4 and 5 William and Mary, c. 18.—An Act to prevent malicious Informations in the Court of King's Bench, and for the more easy Reversal of Outlawries in the same Courts.

[See P IV. Cl. XIV. No. 12.]

No. 14.

4 and 5 William and Mary, c. 22.—An Act for regulating Proceedings in the Crown Office in the Court of King's Bench at Westminster.

No. 14.
4 and 5 William and Mary, c. 22.
Persons having Grants by Charters and enrolled, not bound to plead them to an Inquisition.

FOR rectifying the Proceedings in the Crown Office in their Majesties Court of King's Bench, and for the greater Ease of all their Majesties Subjects who shall hereafter be prosecuted in the same, be it enacted by the King and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that no Corporation, Lord or Lords of Manors, or

other Person or Persons, having Grants by Charter, or other good Conveyances, who have inrolled, and had the same allowed, in and by the said Court, shall hereafter be compelled to plead the same, to any Inquisition returned by any Coroner; any Custom or Usage to the contrary notwithstanding: And if there be any Corporations, Lord or Lords of Manors, or other Person or Persons, who now have, or hereafter shall have such Charters or Grants from the Crown, for Felons Goods, Deodands, and other Forfeitures, such Corporations, Lords of Manors, and other Persons, shall not be compelled to inroll their whole Charters and Grants, but bring in the same to the Clerk of the Crown of the said Court, he shall inroll and enter upon Record so much thereof, as may express and set forth the Grants of such Felons Goods, Deodands, and Forfeitures, and no more; for doing whereof he shall have and receive twenty Shillings for his Fee and Entry thereof, and no more; and from and after such Inrollment, no Corporation, Lord of Manor, or other Person or Persons, Grantees of such Goods or Forfeitures, shall be compelled to plead the same in the said Court, to any Inquisition thereto after filed therein, touching any Goods found thereby; any Usage to the contrary notwithstanding.

II. And be it further enacted by the Authority aforesaid, That if any Clerk of the Crown of the said Court shall hereafter issue out any Process against any Corporation, Lord of Manor, or other Person or Persons Grantees of such Felons Goods, Deodands, and other Forfeitures, after Inrollment or Entry as aforesaid, the said Clerk of the Crown shall, for every Offence, forfeit and pay to the Corporation or Party grieved thereby, the Sum of five Pounds, to be recovered by Bill, Plaintiff, or Information, in any of their Majesties Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, or Wager of Law, shall be admitted, nor any more than One Imparalance.

III. And whereas divers Persons, having Grants of Felons Goods and Deodands, and inrolled and pleaded as aforesaid, do many Times alien and convey their Interests therein to other Person or Persons, or by their last Wills do devise the same, or by their Deaths such Estates do descend to their Heirs, whereby the Clerk of the Crown of the said Court is rendered incapable to discern where such Interest lies, until the Person or Persons, to whom such Estates are conveyed, devised, or descended, shall come into the said Court, and make Entry of such their Claim as aforesaid; be it therefore hereby further enacted by the Authority aforesaid, except against That the Clerk of the Crown of the said Court for the Time being, nor any succeeding Clerk there, shall incur any Penalty mentioned in this Act, for issuing Process against any Person or Persons, who shall not, upon every Purchase of the Title of such Felons Goods and Deodands, inroll and plead the same Purchase in the said Court; nor against any Devisee of the like Estate, who shall not likewise inroll or plead such De-

No. 14. vise; nor against any Heir who shall not in like Manner inroll
 4 and 5 William his or her Right by Descent to the same, and until after such
 and Mary,
 c. 22. Pleas have been allowed of, and approved by the said Court; nor where by any Inquest of any Coroner or Coroners, the Goods of any Felon or Felons, or Deodands, shall be by such Inquest not found to be in the Hands of such Purchaser, Devisee, or Heir, or their respective Officer or Officers in Trust for them respectively.

A Proclamation
 at the Time of
 the Exigent in
 criminal Cases,
 to be delivered
 three Months
 before Return.

31 El. c. 34

Act to continue
 three Years.

IV. And whereas it is agreeable to Justice that Proceedings to Outlawries in criminal Causes should be as publick and notorious as in civil Causes, because the Consequences to Persons outlawed in criminal Causes are more fatal and dangerous to them and their Posterities, than in any other Causes; be it further enacted by the Authority aforesaid, That upon the issuing of any Exigent out of any of their Majesties Courts, against any Person or Persons for any criminal Matter, before Judgment or Conviction, there shall issue out a Writ of Proclamation, bearing the same Test and Return, to the Sheriff or Sheriffs of the County, City, or Town Corporate, where the Person or Persons in the Record of the said Proceedings is or are mentioned to be or inhabit, according to the Form of the Statute made in the one and thirtieth Year of the Reign of the late Queen *Elizabeth*, of blessed Memory, which Writ of Proclamation shall be delivered to the said Sheriff or Sheriffs three Months before the Return of the same.

V. Provided always, and be it enacted by the Authority aforesaid, That this Act shall continue and be in Force for three Years, from the five and twentieth Day of March, one thousand six hundred ninety-three, and from thence to the End of the next Session of Parliament, and no longer. [Made perpetual by 7 & 8 W. 3. cap. 36. § 4.]

(D)

PROCESS — OUTLAWRY.

No. 1.

28 Edward I. st. 2.— What Process shall be awarded against those that be appealed by Approvers.

No. 2.

Edward III. c. 11.— Process against those that be appealed, indicted, or outlawed in one County, and remain in another.

No. 3.

5 Edward III. c. 13.—What is requisite where any Person will avoid an Outlawry by Imprisonment.

[See Pt. IV. Cl. IV. No. 2.]

No. 4.

18 Edward III. st. 1.—Declaring in what Cases and for what Offences Exigents shall be awarded.

Cotton MS. Nero, C. 1.

ACCORDE est et estable qd desors de ceux qd serrount ou oont estee Resceivours dez deniers le Roy ou de sez leyz queux ils pernent du poeple e lez alloignent et deteignent issint qd nostre Seignur le Roi ne poet ent estre tuy De ceux qd ameignent lez leyz per dela saunz estre cokettez ou saunz paier custume et subsidie aq queux ils sount assis et dez custumers et tronours queux les suffrent aq damage le Roy Et de les Ministers qd receivent lez deniers le Roy et lez reteignent conspirateurs confederateurs et maintenours dez faux querelez et de ceux qd mesnent routez en presence dez Justices ou dautres Ministrez le Roy ou aillours et Countez en affray de poeple issint qd la ley ne se poet pas ent faire et auxibien de ceux qd portent ou veignent en lour compaigniez come de ceux qd portent le faux monee en deceipt de poeple toutz ceux en cas qd ils ne purront estre trovez ou mesnez en responce per attachement ou distress pur le profit le Roi qd lexigend soit don et tuy et nemye dez autres.

No. 4.
18 Edward III.
st. 1.

No. 5.

18 Edward III. st. 2. c. 5.—No Exigent shall be granted in Trespass, but where it is against the Peace.

In Turr. Lond. m. 19. D.

ITEM qd nul exigende iste desormes en cas ou homme est enditez de trespass qd ne soit encontre la pees ne des choses qd ne sont contenues en la declaration fait de ce cas en derren parlement tenuz a Westm'.

ITEM, That no Exigent shall from henceforth go out, in case where a Man is indicted of Trespass, unless it be against the Peace, or of Things which be contained in the Declaration made in this Case at the last Parliament holden at Westm-

No. 5.
18 Edward III.
st. 2. c. 5.

No. 6.

25 Edward III. st. 5. c. 14. — What Process shall be awarded against him that is indicted of Felony.

No. 6.
25 Edward III. st. 5. c. 14. ITEM it is accorded, That after any Man be indicted of Felony before the Justices in their Sessions to hear and determine, it shall be commanded to the Sheriff to attach his Body by Writ or by Precept, which is called a *Capias*. And if the Sheriff return in the same Writ or Precept, that the Body is not found, another Writ or Precept of *Capias* shall be incontinently made, returnable at three Weeks after. And in the same Writ or Precept it shall be comprised, that the Sheriff shall cause to be seized his Chattles, and safely to keep them till the Day of the Writ or Precept returned. And if the Sheriff return, that the Body is not found, and the Indictee cometh not, the Exigend shall be awarded, and the Chattles shall be forfeit, as the Law of the Crown ordaineth; but if he come and yield himself, or be taken by the Sheriff, or by other Minister, before the Return of the second *Capias*, then the Goods and Chattles shall be saved.'

Ex Rot. in Turr. Lond.

ET auxint est acorde et assent qe apres ceo qe aucun homme soit endite de felonie devant Justices en leur sessions doier et terminer soit comande au viscont d'attacher son corps par brief ou precept qest appelle *Capias* et le viscount retourne en le dit brief ou precept qe le corps ne soit mie trouvee maintenant soit autre brief ou precept de *Capias* fait retournable as trois symeignes apres. Et en meisme le brief ou precept soit compris qe le viscount face seoir les chateaux et les sauvement garder tanqe a jour de brief ou precept retournable. Et si le viscount respoigne qe le corps nest pas trouvee ne l'endite vient point soit lexigend agarde & soient les chateaux forfaitz sicome la lei de la corone demand Mes sil veigne & se rend ou soit pris par viscount ou par autre ministre devant le retourne del secunde *Capias* adonques soient les biens & les chateaux sauvez.

No. 7.

2 Henry V. stat. 1. c. 5. — Process against Felons dwelling in *Tyndal* or *Exhamshire* in *Northumberland*.

No. 8.

1 Henry V. stat. 1. c. 9. — A Remedy to punish him that doth commit Felony, and flee into an unknown Place.

No. 9.

9 Henry V. c. 7.—The Statute provided *2 H. 5. Stat. 1. c. 5.* for Offenders in *Tyndal* and *Exhamshire*, shall be extended against the like Offenders in *Ridesdale*.

No. 10.

6 Henry VI. c. 1.—Within what Time a *Capias* awarded against any Person indicted in the King's Bench, shall be returnable.

Ex Rot. in Turr. Lond.

EN primes pur ceo qe diverses loialx lieges nostre dit Seignur le Roy par faux ymagination commettlement et conspiracie des certains malefesours sont enditez devaunt le Roy en son bank de diverses felonies et tresons par jurroors suspectz et a ceo par confederacie et conjecture des ditz conspirateurs lowez et procurez par force des queux enditemenz capias est agarde al viscount del countee ou le dit Bank est retournable deinz deux ou quatre jours a quell jour si la partie endite ne veigne exigend' est agarde par quoi les biens et chateux des ditz enditz sont forfaitz au Roy a final destruction de divers des loialx lieges de nostre dit Seignur le Roy si come mesme nostre Seignur ad conceu a la grevouse complaint des ditz Communes a luy faite en le dit parlement nostre dit Seignur le Roy voillant en ceo cas purvoir de remedie ad ordine par advys et assent suisditz qe avant qe aucun exigende soit agardez envers tielx enditez devaunt le Roy en son dit Bank soient briefs de capias directz sibien al viscont ou viscontz del countee en la quell ils sont ensi enditez come al viscount

FIRST, For that divers Subjects, by false Practice, Covin, and Conspiracy of certain evil Persons, be indicted before our Lord the King in his Bench, of divers Felonies and Treasons, by suspect Jurors, hired and procured to the same by Confederacy and Covin of the said Conspirators; by Force of which Indictments a *Capias* is awarded to the Sheriffs of the County where the said Bench is, returnable within two or four Days, at which Day, if the Party so indicted come not, an *Exigent* is awarded, whereby the Goods and Chattels of such Persons indicted be forfeit to our Lord the King, to the utter Undoing of divers of the King's faithful Subjects, as the same our Lord the King hath conceived by the grievous Complaint of the said Commons, made to him in the said Parliament; our said Lord the King, willing in this Case to provide Remedy, hath ordained, by the Advice and Assent afore-aid, That before any *Exigent* be awarded against such Persons indicted before the King in his said

No. 10.
6 Henry VI.
c. 1.

No. 10. 6 Henry VI. c. 1.
 Bench, Writs of *Capias* shall be directed as well to the Sheriff or Sheriffs of the County wherein they be indicted, as to the Sheriff or Sheriffs of the County whereof they be named in the Indictments; the same *Capias* having the Space of six Weeks at the least, or longer Time, by the Discretion of the said Justices, if the Case require it, before the Return of the same; which Writs so returned, the Justices shall proceed in the Manner as they have done before this Time: And if any *Exigent* be awarded, or any Outlawry pronounced hereafter against such Persons indicted, before the Return of the said Writs, the same *Exigent* so awarded, with the Outlawry thereof pronounced, shall be void, and holden for none. And this Ordinance shall endure as long as shall please the King.

Ex Rot. in Turr. Lond.
 ou viscountz del countee dount ils sont nomez en les enditements, sainctz mesmes les capias l'espace des sys sepmains au meynes ou plus long temps par les discretions des Justices si le cas ceo requiert devant la retourne dicelles les queux briels issint retournez precedent les Justices en maner come ils ouat fait devant ces heures et si ascune exigende soit agarde ou ascune utlagarie pronuncie en apres envers tielx enditez devant le retourne des ditz briefs soit celle exigende issint agarde avec la utlagarie ent pronuncie voide et tenuz per null. Et durera ceste ordinance tauqil plerra a nostre Seignur le Roy.

No. 11.

8 Henry VI. c. 10.—Process awarded against those which dwelling in foreign Countries be indicted or appealed.

No. 11. 8 Henry VI. c. 10.
 The Inconveniences of indicting or appealing any Person in one County that is conversant in another.

ITEM, Our Lord the King considering how divers Persons for their private Revenge, and not of Right, maliciously by subtle Imagination have caused and procured many of his faithful liege People falsely to be indicted and appealed of several Treason, Felonie, and Trespasses, before Justices of the Peace, and other Commissioners and Justices, and others having Power to take Indictments or Appeals in divers foreign Countries,

ITEM notre Seigneur le Roy considerant comment diverses personnes pur leur singulier vengeance & intent de droit malicieux par soule ymaginacion ouut laitz & procurez de faulement enditer & appeller diverses de ses foialx lieges de diverses Iesrons felonies & trespass devant justices de paes & autres commissionnes & justices & autres sainctz poair de prendre enditements ou appelles en diverses foreins countees libertees & frauchies d'Engletere en queys les ditz

Ex Rot. in Turr. Lond.

lieges ne sount ne unques feus-
sent conversantz ne demurantz
par force des queux endite-
mentz & appelles & les pro-
cesses sur eux faitz en les ditz
countees fraunchisez & liber-
tees les ditz personnes ensy en-
ditez oint este & de jour en
autre sount myns en exigeant
& puis utlagez & sur ceo lour
biens & chateaux terres &
tenementz forfaitz & eux en
grande perile de lour vies la
ou les ditz personnes ensy en-
ditez appellez ou myns en exi-
gent ou utlagez navoient unqs
conissance de tielx endite-
mentz appellez exigeantz ne ut-
lagaries les queux fauxine &
malice de jour en autre habun-
dent & encrescent en divers
countees libertees & fraun-
chisez d'Engleterre en graunt
anientesmes perde & perpe-
tuel destruction de plusours
de sez ditz foialx & innocent
lieges & verisemblable est den-
crescer en apres si remedie
covenable ne soit ordene &
purveu en celle partie.

" Liberties, and Franchises of
" England in which the said No. 11.
" Lieges be not, nor at any 3 Henry VI.
" Time were, conversant nor
" dwelling; by Force of which
" Indictments and Appeals,
" and the Processes upon them
" made in the said Countys,
" Franchises, and Liberties,
" the said Persons so indicted,
" have been, and daily be put
" in Exigent, and after outlaw-
" ed, and thereupon their
" Goods and Chattles, Lands
" and Tenements forfeit, and
" they in great Jeopardy of
" their Lives, whereas the said
" Persons so indicted, appeal-
" ed, or put in Exigent, or out-
" lawed, had never Knowledge
" of such Indictments, Ap-
" peals, Exigents, or Outlaw-
" ries; which Falshood and
" Malice daily doth abound
" and increase in divers Coun-
" ties, Liberties, and Fran-
" chises of England, in great
" Hinderance, Loss, and per-
" petual Destruction of many
" of his said faithful and inno-
" cent liege People, and very
" likely to increaſe hereafter,
" if convenient Remedy be not
" ordained and provided in
" this Behalf."

Et pur ceo mesme nostre Seignur le Roy de sa grace especiale & par autoritez de cest parlement pur easme salva-
tion & tranquillite de sez fui-
aux lieges de cest Roialme ad-
fait ordiner & establir qe sur
chescun enditement ou appelle
par la quelle aucun des ditz
lieges demurrantz en autres
countees qe la au quel enditem-
ment ou appelle soit ou sera-
 pris de treason felonie & tres-
press apprendre en apres de-
vant justices de peas ou de-
vant autre autre assent posit.

II. And therefore the same Process upon
the Lord the King, of his Indictments of
special Grace, and by Autho- Persons dwel-
rity of this Parliament, for ling in foreign
Ease and Tranquillity of his Countries.
faithful Lieges of this Realm,
hath caused to be ordained and
established, That upon every
Indictment or Appeal by the
which any of the said Lieges
dwelling in other Countries
than there where such In-
dictment or Appeal is or shall
be taken of Treason, Felony,
and Trespass, to be taken
hereafter before the Justices

No. 11.

3 Henry VI.
c. 10.

of Peace, or before any other
having Power to take such
Indictments or Appeals, or
other Commissioners or Jus-
tices in any County, Franch-
ise, or Liberty of England,
before any Exzient awarded
upon any Indictment or Ap-
peal in the Form aforesaid
to be taken, that presently
after the first Writ of *Capias*
upon every such Indictment
or Appeal awarded and re-
turned, that another Writ of
Capias be awarded, directed
to the Sheriff of the County,
wherof he which is so in-
dicted is or was supposed to
be conversant by the same
Indictment, returnable before
the same Justices or Commis-
sioners before whom he
indicted or appealed at a cer-
tain Day, containing the Space
of three Months from the
Date of the said last Writ,
where the Counties be holden
from Month to Month; and
where the Counties be holden
from six Weeks to six Weeks,
he shall have the Space of
four Months, until the Day of
the Return of the same Writ;
by which Writ of second Ca-
pias, be it contained and
commanded to the same She-
riff, to take him which is so
indicted or appealed, by his
Body, if he can be found
within his Bailiwick; and if
he cannot be found within his
Bailiwick, that the said She-
riff shall make Proclamation
in two Counties before the
Return of the same Writ, that
he which is so indicted or ap-
pealed shall appear before
the said Justices or Commis-
sioners in the County, Liberty,
or Franchise where he is in-
dicted or appealed, at the Day

Et Rot. in Tarr. Lond.
de telix enditementz ou ap-
pelles prendre ou autres com-
missioners ou justice en aucun
countee fraanchise ou libertee
d'Englettere devant aucun ex-
igend' agarde sur aucun endi-
tement ou appelle en la forme
avaudite apprendre qe main-
tenant apres le primee brieve
de capias sur checon tel en-
ditement ou appelle agarde &
retourne qe un autre brieve de
capias soit agarde directe al
viscount del countee dount celuy
qi est ensy enditez est ou
liest suppose destre conversant
par mesme lendiflement retour-
nable devant mesmes les justi-
ces ou commissioners devant
queux il est endite ou appelle
a un certain jour conteignant la
space de trois mois de la date
du dit darrein brieve ou les
countes se teignent de mois en
mois & la ou les countes sount
tenuz de sys sepmains en sys
sepmains ait lespace du qua-
tre mois tanqal jour de retourne
de mesme le brieve par quel
brieve de seconde Capias soit
contenuz & comande a mes-
me le viscount de prendre
celuy qui est ensy endite ou
appelle par son corps sil poet
estre trove deinz sa baillie.
Et sil ne poet mye estre trove
deins sa baillie qe le dit vis-
count face proclamation en
deux countees devant le re-
tourne de mesme le brieve qe
celuy qest ensy endite ou ap-
pelle appierge devant les ditz
justices ou commissioners en le
countee libertee ou franchise
ou il est endites ou appellez al
jour contenu en le dit darrein
brieve de Capias a respondre
a nostre dit Seignur le Roy &
au partie de la felonie treason
ou trespassse dount il est ensy
enditez ou appellez apres quel

Ex Rot. in Torr, Lond.
 second briefe de Capias ensy
 servy & retournee si cely q̄
 est ensy enditez ou appellez
 ne veigne al jour de mesme le
 brieve de Capias retourne soit
 exigend' agardez envers tielx
 endites ou appellez & chescun
 de eux.

contained in the said last Writ of *Capias*, to answer to our Lord the King, or to the Party, of the Felony, Treason, or Trespass, whereof he is so indicted or appealed; after which second Writ of *Capias* so served and returned, if he which is so indicted or appealed come not at the Day of the same Writ of *Capias* returned, the *Exigent* shall be awarded against such Persons indicted or appealed, and every of them.

No. 11.
 8 Henry VI.
 c. 16.

Et si aucun exigend' enapies
 soit agarde sur a-cun tel en-
 ditement ou appelle contre la
 fourme avaundite ou a-cun
 utlagarie sur ceo pronunciez
 soit sibien cell exigend' ensy
 agarde contre la utlagarie sur
 ceo pronuncie et chescun de
 eux tenuz por null et vvide et
 q̄ la partie sur q̄ tel exigend'
 encounterre la fourme avaun-
 dite soit agarde ou utlagarie
 pronuncie ne soit endamage
 ne mys et perde de ses biens
 ou chatieus terres ou tenementz
 ne de sa vie.

III. And if any Exigent hereafter be awarded upon any such Indictment or Appeal against the Form aforesaid, or any Outlawry be upon that pronounced, as well the *Exigent* so awarded, as the Outlawry upon that pronounced, and every of them, shall be holden for none and void; and that the Party upon whom such Exigent against the Form aforesaid is awarded, or Outlawry pronounced, be not damaged, nor put to Loss of his Goods or Chatteux, Lands, or Tenements, nor of his Life.

IV. Provided always, An Action upon That the Statute made in the on the Case last Parliament, of Processes the Party in to be made in such Case be dictated or before the King in his Bench, the Procurer stand in his Force. And moreover, the same our Lord the King hath granted by Authority aforesaid, That every Person indicted or appealed in the Form aforesaid from henceforth, after that he be duly acquit by Verdict, that he shall have a Writ and Action upon his Case, against every

Purveu toutz foitz q̄ le statut fait en le darrein parlement des processes affaires en tielx cases devaunt le Roy en son Bank estoise en sa force. Et enoutre mesme nostre Seigneur le Roy ad grantee par auctorite suisdie q̄ chescun enditez ou appelle en la fourme avaundite de cy enavaunt apres ceo qil soit par verdict duement acquittee qil eite briese et action sur son cas envers chescun procurour de tielx enditements ou appelles et soit

No. 11. ^{8 Henry VI. c. 12.} Procurer of such Indictments
or Appeals; and like Process
shall be upon and in the same
Writ, as in a Writ of Tres-
pass done with Force and
Arms; and if such Procurer
be attainted in his Behalf,
that the Plaintiff shall recover
his treble Damages.

V. Provided always,
That this Ordinance shall not
extend to Indictments or Ap-
peals taken or to be taken
within the county of Chester.

A Man indicted
or appealed in
the Country
where he is
conversant
shall be pro-
cuted as for-
mally.

VI. Provided also, That
if any of the said Lieges, or
any of their Heirs, son or
shall be appealed or indicted
of Felony or Treason, and at
the Time of the same Felony
or Treason supposed, he is
and was conversant within
the County whereof the In-
dictment or Appeal maketh
Mention, the like Process be
made against such Person so
indicted or appealed, as hath
been always used before this
Time.

Ex Rot. in Turr. Lond.
autieles processee sur et en
mesme le briefe come en briete
de trespass fait ave force et
armes et si tel procurour soit
atteint en celle partie qe le
plaintif recoverer sez damages
au treble.

Purveu toutz foitz qe cest
ordinance ne se extende mye
as enditemenz ou appellez
prisez ou apprendrez deinz
le countee de Cestre,

Purveu auxi qe si aucun des
ditz lieges ou aucun de lour
heirs soit ou sera appelle ou
enditez de felonie ou treason et
au temps de me-sme le felonie
ou treason supposez est ou
neust conversant deinz le coun-
tee dount leadement ou ap-
pelle fait mention qe autieles
processe soit fait vers tel en-
dite ou appelle come ad este
use devaunt ces heurs.

No. 12.

10 Henry VI. c. 6.—What Process shall be awarded upon
an Indictment removed into the King's Bench.

No. 12.

^{c. 6.} ^{8 Henry VI.}

ITEM, Whereas in the
Parliament holden at
Westminster the eighth Year
of the King that now is, it
was ordained, That upon
every Indictment or Appeal,
by the which any of the
King's liege People, dwel-
ling in other foreign and
divers Counties than where
such Indictment or Appeal
is or shall be taken, of Tre-
son, Felony, or Trespass,
to be taken hereafter before

ITEM come au parlement
tenuz a Westm' lan du
regne rostre Seignur le Roi
qorest viij ordine estoit qe sur
chescune enditement ou appell
par la qell aucun de lieges du
Roy demurrantz en autres coun-
tees qe la outiel enditement ou
appell soit ou sera pris de
treason felonie ou trespass ap-
prendre en apres devaunt Justi-
ces de peas ou devaunt aucun
autre eiant poair de prendre
telz enditemenz ou appellez

Ex Rot. in Turr. Lond.

ou autres commissioners ou justices en aucun countee fraunce ou libertee d'Engleterre devant aucun exigeant agarde sur aucun enditement ou appell en la forme avautdite apprendre qe maintenant apres le premier brief de capias sur checun tel enditement ou appell agarde et retourne qe un autre brief de Capias soit agarde direct al viscount del countee dont celuy qest ensy en la ou appell ou en feid suppos e destre conversant par mesme lenditement ou appell retournable devant mesme les justices ou commissioners devant queux il est endit ou appelle a un certain jour conteignant l'espace de trois mois del date de la returne qelue et retourne direct le jour par me me testamant plene et en a pre i. Par quelles causes il est endit devant cesasas ou retournable devant mesme les justices ou commissioners devant queux il est endit ou appelle au sens entendant qe le brief de Capias ordine par le dit estatut qe sera direct al viscount del countee dont celuy qest ensy endit ou appelle est ou fust suppose destre conversant par le sens lenditement ou appell sera retourne devant mesme les justices ou commissioners ou autres devant queux lenditement ou appell fust pris et neupas ailleurs. Et ymaginant pur defrauder et anier tiser le dit estatut suent pur remover tielx enditementz et appellez hors des mains les justices et commissioners avautditz en le Bank le Ro: et ailleurs par Certiorari et autrement les parties ensy endit ou appellez nient sachantz et sur ceo suent processe use a la commune ley

" Justices of Peace, or before No. 12.
 " any other Justice whatso- to Henry VI.
 " ever, having Power to take c. 6.
 " such Indictments or Appeals,
 " or other Commissioners or
 " Justices in any County, Fran-
 " chise, or Liberty of England,
 " before any Exigent award-
 " ed upon any Indictment or
 " Appeal in the Form afores-
 " aid to be taken, that pre-
 " mettly alter the first Writ of
 " Capias upon every such In-
 " dictment or Appeal awarded
 " and returned, that another
 " Writ of Capias shall be
 " awarded, directed to the
 " Sheriff of the County, where-
 " of he that is so indicted or
 " appealed is or was supposed
 " to be conversant by the same
 " Indictment or Appeal, re-
 " turnable before the same
 " Justices or Commissioners,
 " before whom he is indicted,
 " or appealed, at a certain
 " Day, containing the Space
 " of three Months from the
 " Date of the same Writ to
 " the Return of the same, as
 " by the same Statute plainly
 " appeareth. By which Clause
 " of the same Statute, that is
 " to say, returnable before the
 " same Justices or Commis-
 " sioners before whom he is
 " indicted, or appealed, some
 " do think that the Writ of
 " Capias ordained by the said
 " Statute, which shall be di-
 " rected to the Sheriff of the
 " County, whereof he that is
 " so indicted or appealed is or
 " was supposed to be convers-
 " ant by the same Indictment
 " or Appeal, shall be returned
 " before the same Justices or
 " Commissioners, or other, be-
 " fore whom the Indictment or
 " Appeal was taken, and not
 " elsewhere. And imagining

No. 12. "to defraud and make frus-
to Henry VI. "frate the said Statute, do sue
c. 6. "to remove such Indictments
"and Appeals out of the Hands
"of the Justices or Commissi-
"oners aforesaid into the
"King's Bench and elsewhere,
"by *Certiorari* and otherwise,
"unknown to the Party so im-
"dicted or appealed, and
"thereupon sue the Process
"used at the Common Law
"before the making of the
"said Statute in the King's
"Bench and elsewhere, after
"the removing, to the great
"impoverishing and vexation
"of the King's faithful Sub-
jects." Wherefore the same
"our Lord the King, by the
Advice and Assent aforesaid,
"and at the special Request of
"the said Commons, by Autho-
"rity aforesaid hath ordained,
"That the said Statute be holden
"and kept, and put in due Ex-
"ecution in all Points; joined
"to the same, that if any such
"Indictments taken, or to be
"taken before any Justices of
"Peace, or before any other
"having Power to take such In-
"dictments or Appeals, or other
"Justices or Commissioners in
"any County, Franchise, or
"Liberty of England, shall be
"removed before the King in
"his Bench or elsewhere, by
"Certiorari or otherwise, then
"after such removing, before
"any Exigent awarded upon
"any such Indictment or Ap-
"peal in the Form aforesaid
"taken, or to be taken, that
"presently after the first Writ
"of *Capias* upon every such
"Indictment or Appeal award-
"ed and returned, that another
"Writ of *Capias* be awarded,
"directed to the Sheriff of the
"County, whereof he that is

A Confirmation
of the Statute
8 H. 6. c. 10.
touching Pro-
cess upon In-
dictments of
Persons dwell-
ing in foreign
Counties.

Process when
the aforesaid
Indictments,
&c. are remov-
ed into the
King's Bench.

Et Rot. in Turr. Lond.
devant la fesaunce du dit esta-
tut en le Bank le Roi et ail-
lours appres tiel remoevement
en graunde empoverissement
et vexation des loialx lieges du
Roy. Pur qoy nostre Seignur
le Roi del avis et assent sus-
ditz et al especiall request dez
ditz Communes par auctorite
sursidte ad ordine qe le dit
estatut soit tenuz et gardez
et mys en du execution en
toutz pointz adjoustant a icell
qe si ascuns tielz enditementz
prisez ou apprendez devant
ascuns des Justices du peis ou
devant aucun autre eiant poier
de prendre tieux enditementz
ou appell ou autres Justices ou
commissioners en aucun coun-
tee franchise ou libertee d'En-
gilterre soient remoevez de-
vant le Roi en sou Bank ou
aillours par Certiorari ou autre-
ment qe adonques apres tiel
remoevement devant aucun
exigend' agarde sur aucun tiel
enditement ou appell en la
fourme avaundtie pris ou
apprendre qe maintenant apres
le primer brief de Capias sur
chescun tiel enditement ou
apeil agarde et retourne qe
un autie brief de Capias soit
agarde direct al viscount del
countee dont celuy qest endi-
tee ou appelle est ou fust
suppose destre conversant par
mesme lenditement ou appelle
retournable devant le Roi en
son Bank a un certain jour
conteignent l'espace de trois
mois ou quatre mois del date
del dit dairein brief de Capias
solone les maner et fourme qe
les Justices de peas et autres
en le dit primer estatut con-
tenuz deussent avoit fait avaunt
tiel remoevement puis la fe-
sance du dit primer estatut
et enoustre de ent faire pte.

Ex Rot. in Turr. Lond.

cesse solonc leffet et purport
del dit primer estatut. Et si
ascun exigende soit agarde
enapres sur ascun tel endite-
ment ou appell apres tel re-
moevement encontre la four-
me avautdite ou ascun utla-
garie sur ceo pronuncie soit
sibien celle exigende ensi
agarder come lutlagarie sur ceo
a pronuncier et chescun de
eux tenuz pur null et voide
celone ceo q'en le dit primer
estatut est contenuz pluis au
plein.

so indicted or appealed is or
was supposed to be conver-
sant by the same Indictment
or Appeal, returnable before
the King in his Bench at a
certain Day, containing the
Space of three Months, or
four, from the Date of the
said last Writ of *Capias*, ac-
cording to the Manner and
Form that the Justices of
Peace, and other in the said
first Statute contained, ought
to have done, before such
removing after the making
of the said first Statute, and
moreover to make Process
according to the Effect and
Purport of the said first Sta-
tute. And if any such Ex-
igent be hereafter awarded
upon any such Indictment or
Appeal after such removing
against the Form aforesaid,
or any Outlawry thereupon
pronounced, as well the same
Exigent so awarded, as the
Outlawry thereupon to be
pronounced, and every of
them, shall be holden for
none and void, according as
in the said first Statute is
more fully contained.

No. 12.
to Henry VI.
s. 6.

No. 13.

- 3 Edward IV. c. II.—Justices of Peace may award
Process upon Indictments taken in Sheriffs Tourns.

No. 14.

- 4 and 5 William and Mary, c. 18.—An Act to prevent
malicious Informations in the Court of King's Bench,
and for the more easy Reversal of Outlawries in the
same Court.

[See Pt. IV. Cl. IV. No. 12.]

No. 15.

4 and 5 William and Mary, c. 22.—An Act for regulating Proceedings in the Crown Office in the Court of King's Bench at Westminster.

(See C. 14, supra.)

(E)

CERTIORARI.

No. 1.

21 James I. c. 8.—An Act to prevent and punish the Abuses in procuring Process and *Supersedeas* of the Peace and good Behaviour, out of his Majesty's Courts at Westminster, and to prevent the Abuses in procuring Writs of *Certiorari* out of the said Courts, for the removing of Indictments found before Justices of the Peace in their General Sessions.

(V. supra, A.)

No. 2.

5 William and Mary, c. 11.—An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace.

No. 2.
 5 William and Mary, c. 11.
 21 Jac. 1. c. 8.
 13 & 14 Car. 2. c. 6. § 16.
 22 Car. 2. c. 12. § 4.

WHHEREAS it is experienced that, notwithstanding the Statutes made in the one and twentieth Year of the Reign of King *James* the First, and in the thirteenth and fourteenth and two and twentieth Years of King *Charles* the Second, concerning the granting of Writs of *Certiorari*, to remove Indictments of Riots, forcible Entry, Assault and Battery, and other Presentments and Indictments out of the Courts of the General or Quarter Sessions of the Peace, in the Counties or Places wherein such Indictments have been found, and Proceedings thereupon recorded, into their Majesties Court of King's Bench, divers turbulent, contentious, lewd, and evil-disposed Persons, fearing to be deservedly punished where they and their Offences are well known, have not only obtained Writs of *Certiorari* for removing such Indictments found against them as aforesaid, but also Indictments for sundry other Trespasses, Frauds, Nuisances, Con-

* tempts, and Misdemeanors, after Issue joined, and the No. 2.
 * Prosecutors attending with their Council and Witnesses William and
 * to try the same before the said Justices of the Peace in their Mary, c. 11.
 * said Sessions, to the great Discouragement of the Prosecu-
 * tors, and of such Constables and other Officers as, according
 * to their Duty, present Persons for those and such like Tres-
 * passes, Offences and Misdemeanors; For Remedy whereof,
 and that such Offenders may be brought to condign Punish-
 ment:

II. Be it enacted by the King's and Queen's most Excel- Certiorari in
 lent Majesties, by and with the Advice and Consent of the Term Time
 Lords Spiritual and Temporal, and Commons, in this present grantable only
 Parliament assembled, and by the Authority of the same, That upon Motion.
 in Term Time no Writ of *Certiorari* whatsoever at the Prosecu-
 tion of any Party indicted, (1.) be hereafter granted, awarded,
 or directed out of the said Court of King's Bench, to remove any
 such Indictment or Presentment of Trespass or Misdemeanor,
 before Trial had, from before the said Justices in the said
 Courts of General or Quarter Sessions of the Peace, unless
 such *Certiorari* shall be granted or awarded upon Motion of
 Counsel, and by Rule of Court made for the granting thereof,
 before the Judge or Judges of the said Court of King's Bench
 sitting in open Court, and that all the Parties indicted prose- Recognisance
 cuting such *Certiorari*, before the Allowance thereof shall find to be given for
 two sufficient Manucaptors, who shall enter into a Recogni- trying the laies
 zance before one or more Justices of the Peace of the County next Assizes,
 or Place, in the Sum of twenty Pounds, (2.) with Condition at
 the Return of such Writ to appear and plead to the said Indict-
 ment or Presentment in the said Court of King's Bench, and
 at his and their own Costs and Charges to cause and procure
 the Issue that shall be joined upon the said Indictment or Pre-
 sentment, or any Plea relating thereto, to be tried at the
 next Assizes to be held for the County wherein the said Indict-
 ment or Presentment was found, after such *Certiorari* shall be except in Lon-
 returnable, if not in the Cities of London, Westminster, or don and West-
 minister.
 County of Middlesex; and if in the said Cities or County,
 then to cause or procure it to be tried the next Term after,
 wherein such *Certiorari* shall be granted, or at the Sitting after Certiorari
 the said Term, if the Court of King's Bench shall not appoint any other Time for the Trial thereof; and if any other Time
 shall be appointed by the Court, then at such other Time, and
 to give due Notice of such Trial to the Prosecutor, or his
 Clerk in Court; and that the said Recognizance and Recog- granted with-
 nizances, taken as aforesaid, shall be certified into the said Court out Recogno-
 of King's Bench, with the said *Certiorari* and Indictment, to be zance void.

(1.) The Crown (if the Defendant be one of its Officers, or if, for any other Reason, it take up his Defence) may have a *Certiorari* in the Name of the Defendant, without laying any special Ground. See Cases cited in Note J'East, 304. In such Case the Directions of this Act as to Recognizances, &c. are not, in Practice, ever applied.

(2.) The Recognizance is not discharged until all Costs are paid, although exceeding £ 40; *Rex v. Teal*, 13 East, 4.

No. 2.
§ William and
Mary, c. 11.

there filed, and the Name of the Prosecutor, (if he be the Party grieved or injured), or some publick Officer, to be indorsed on the Back of the said Indictment; (3.) and if the Person prosecuting such *Certiorari*, being the Defendant, shall not, before Allowance thereof, prosecute such Manucaptors to be bound in a Recognizance as aforesaid, the Justices of the Peace may and shall proceed to Trial of the said Indictment at the said Sessions, notwithstanding such Writ of *Certiorari* so delivered.

Officers prosecut-
ing shall
have Double
Costs.

III. And be it further enacted, That if the Defendant prosecuting such Writ of *Certiorari* be convicted (4.) of the Offence for which he was indicted, That then the said Court of King's Bench shall give reasonable Costs to the Prosecutor, (5.) if he be the Party grieved or injured, (6.) or be a Justice of the Peace, Mayor, Bailiff, Constable, Headborough, Tythingman, Churchwarden, or Overseer of the Poor, or any other Civil Officer, (7.) who shall prosecute upon the Account of any Fact committed or done, that concerned him or them, as Officer or Officers, to prosecute or present; (8.) which Costs shall be taxed according to the Course of the said Court; and that the Prosecutor, for the Recovery of such Costs, shall, within ten Days (9.) after Demand made of the Defendant, and Refusal of Payment on Oath, have an Attachment granted against the Defendant by the said Court for such his Contempt; and that the said Recognizance shall not be discharged (10.) till the Costs so taxed shall be paid.

(3.) To entitle the Prosecutor to Costs, it is enough to prove that he was such by Affidavit, without his Name being indorsed: *Rex v. Smith*, 1 Bar 54.

(4.) This means an effectual Conviction; and no Costs can be taxed if the Judgment is arrested: *Rex v. Turner*, 15 E*st*, 570.

(5.) If the Costs are taxed in the Life of the Prosecutor, his Representatives are entitled, although no personal Demand was ever made by him: *Rex v. Chamberlayne*, 1 T. R. 103.

(6.) The Defendant solicited Mason to set fire to a House: Mason and one Glaston informed a Magistrate, who bound them over to prosecute. Ruled that there could be no Costs, for want of a Party grieved, *R. v. Ingleton*, 1 Wils. 139. The Prosecutor of an Indictment for stopping a Road, ruled to be a Party grieved, he having used the Road for some Years; *R. v. Williamson*, 7 T. R. 32. So Persons dwelling near a Steam Engine, which affected their Dwelling-houses, &c.; *R. v. Dewsnap*, 16 E. 194. Secus, where the Prosecutor, in a Case for stopping up a Road, did not appear for two Years, and it did not appear that he had ever used the Road before it was stopped; and while it was stopped he declared that he did not care about it; *R. v. Ingleton*, 1 M. and S 265.

(7.) A Clerk of the Peace, whose Duty it is to draw up all Presentments of Constables, in Form of Indictments, was held to be intitled to Costs, on a Prosecution carried on by him; anon. cited 2 T. R. 17.

(8.) A Justice of Peace indicting a Gaoler for suffering a Felon to escape, not within the Act: the Court has always put a strict Construction on the Act; *R. v. Sharpless*, 2 T. R. 47. A Justice presenting a Road, or indicting a Constable for disobeying his Order, would be intitled to Costs; *ibid.* A Justice of Peace indicting a Road, ruled to be intitled to Costs; *R. v. Kettleworth*, 5 T. R. 33.

(9.) There can be no Attachment until after the ten Days have elapsed; *R. v. Ireland*, 3 T. R. 512.

(10.) See n. 1. The Bail are liable for Costs, although the Defendant die between the Verdict and the Day in Bank; *R. v. Finmore*, 8 T. R. 409.

IV. Provided always, and be it enacted by the Authority aforesaid, That in any of the Vacations, Writs of *Certiorari* may be granted by any of the Justices of their Majesties Court of King's Bench, whose Names shall be indorsed on the said Writ, and also the Name of such Person at whose Instance the same is granted, and that the Party or Parties indicted, prosecuting such *Certiorari*; shall, before the Allowance of such Writ or Writs of *Certiorari*, find such Sureties, in such Sum, and with such Conditions, as are before mentioned and specified in this present Act.

No. 2:
§ William and
Mary, c. 11.
Certiorari how
grantable in
Vacation.

V. And be it further enacted by the Authority aforesaid, That upon every *Certiorari* granted or awarded within the Countries Palatine of *Chester*, *Lancaster*, or *Durham*, to remove Indictments or Presentments for any of the Matters aforesaid, all the Parties indicted prosecuting such *Certiorari*, shall find such Sureties, to be bound in such Sums, and with such respective Conditions, and at his or their own Costs and Charges shall cause and procure the Issue joined upon the said Indictments or Presentments to be tried at the next Assizes or General Gaol Delivery to be held for the said respective Counties, and shall give like Notice to the Prosecutor, and, if convicted, shall be liable to like Costs, to be taxed as is by this Act provided for in Cases where the same are granted or awarded out of the Court of King's Bench at *Westminster*.

VI. Provided always, and be it enacted by the Authority aforesaid, That if any Indictment or Presentment be against any Person or Persons for not repairing of any Highways, Causeways, Pavements, or Bridges, and the Right or Title to repair the same may come in Question, upon such Suggestion and Affidavit made of the Truth thereof, a *Certiorari* may be granted to remove the same into the Court of King's Bench; any Law or Statute to the contrary in any wise notwithstanding. Provided nevertheless, That the Party or Parties prosecuting such *Certiorari* shall find two Manuscriptors to be bound in a Recognizance with Condition as aforesaid.

VII. Provided always, and be it enacted by the Authority aforesaid, That this Act shall continue and be in Force for three Years, and from thence to the End of the next Session of Parliament, and no longer. [Made perpetual by 8 and 9 W. 3. cap. 33.]

No. 3.

8 and 9 William III. c. 33.—An Act to make perpetual and more effectual an Act, intituled, “ An Act to prevent Delays at the Quarter Sessions of the Peace.”

WHEREAS an Act made in the fifth and sixth Years of the Reign of King *William* and the late Queen *Mary*, intituled, “ An Act to prevent Delays of Proceedings at the

No. 3.
8 and 9
William III.,
c. 33.

No. 3. ‘Quarter Sessions of the Peace,’ which was to continue and
 8 and 9 be in Force for three Years, and from thence to the End of
 William III. the next Session of Parliament, by Experience hath been
 c. 33. found useful and beneficial; therefore, for continuing the
 Act 5 & 6 W. & same, be it enacted by the King’s most excellent Majesty, by
 M. c. 11. made and with the Advice and Consent of the Lords Spiritual and
 perpetual. Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That the said Act shall be
 and is hereby continued, and shall be in Force and made per-
 petual.

Party prosecut-
 ing any Certi-
 orari to remove
 an Indictment
 may find two
 Manucaptors to
 enter into a Re-
 cognizance, &c.

II. And, for the making the Purpose and Design of the
 said Act more effectual, be it enacted by the Authority aforesaid,
 that from and after the one and twentieth Day of April,
 which shall be in the Year of our Lord one thousand six hundred
 and ninety-seven, the Party or Parties prosecuting any
Certiorari, to remove any Indictment or Presentment from the
 Quarter or General Sessions of the Peace, may find two sufficient
Manucaptors, who shall enter into a Recognizance before
 any one of his Majesty’s Justices of the Court of King’s Bench,
 in the same Sum, and under the same Condition, as is required
 by the said Act, whereof Mention shall be made on the Back
 of such Writ, under the Hand of the Justice taking the same,
 which shall be as effectual and available, to all Intents and
 Purposes, to stay or supersede any further Proceedings upon
 any Indictment or Presentment, for the Removal of which the
 said Writ of *Certiorari* shall be granted, as if the Recognizance
 had been taken before any one of the Justices of the Peace
 of the County or Place where such Indictment was found,
 or Presentment made; and also it shall be added to the Condition
 of every Recognizance taken by virtue of this and the
 said Act, that the Party or Parties prosecuting such Writ of
Certiorari, shall appear from Day to Day in the said Court of
 King’s Bench, and not depart until he or they shall be dis-
 charged by the said Court.

Party to appear
 daily in the
 King’s Bench
 Court until
 discharged.

No. 4.

5 George II. c. 19.—An Act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case, notwithstanding Defects of Form in the original Proceedings; and to oblige Persons suing forth Writs of *Certiorari* to remove Orders made on such Appeals into his Majesty’s Court of King’s Bench, to give Security to prosecute same with Effect.

No. 4.
 5 George II.
 c. 19.

WHEREAS in many Cases where his Majesty’s Justices of the Peace by Law are impowered to give or make Judgments or Orders, great Expences have been occasioned by reason that such Judgments or Orders have,

* on Appeals to the Justices of the Peace at their respective General or Quarter Sessions, been quashed or set aside upon Exceptions or Objections to the Form or Forms of the Proceedings, without hearing or examining the Truth and Merits of the Matter in Question between the Parties concerned? Therefore to prevent the same for the future, may it please your most Excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the twenty-fourth Day of June one thousand seven hundred and thirty-two, my recd^e De^r, upon all appeals to be made to the Justices of the Peace at their respective General or Quarter Sessions to be holden for on Appeals, any County, Riding, City, Liberty or Precinct, within that Part of Great Britain called England, against Judgments or mine them. Orders given or made by any Justices of the Peace as aforesaid, such Justices so assembled at any General or Quarter Sessions shall and they are hereby required from Time to Time, within their respective Jurisdictions, upon all and every such Appeals so made to them, to cause any Defect or Defects of Form (1.) that shall be found in any such original Judgments or Orders, to be rectified and amended without any Costs or Charge to the Parties concerned, and after such Amendment made, shall proceed to hear, examine and consider the Truth and Merits of all Matters concerning such original Judgments or Orders, and likewise to examine all Witnesses upon Oath, and hear all other Proofs relating thereto, and to make such Determinations thereupon as by Law they should or ought to have done, in case there had not been such Defect or Want of Form in the original Proceeding; any Law, Usage or Custom to the contrary notwithstanding.

* II. And whereas divers Writs of *Certiorari* have been procured to remove such Judgments or Orders into his Majesty's Court of King's Bench at Westminster, in hopes thereby to discourage and weary out the Parties concerned in such Judgments or Orders, by great Delays and Expences? Be it therefore enacted by the Authority aforesaid, That no *Certiorari* shall be allowed to remove any such Judgment or Order, unless the Party or Parties prosecuting such *Certiorari*, before issue Orders, the Allowance thereof, shall enter into a Recognizance with sufficient Sureties before one or more Justices of the Peace of the County or Place, or before the Justices at their General Quarter-Sessions or General Sessions (2.) where such Judgment or Order shall have been given or made, or before any one of his Majesty's Justices of the said Court of King's Bench in the Sum of fifty Pounds, (3.) with Condition to prosecute the same

No Certiorari
to be allowed to
remove Jus-
tices' Orders,
without a Re-
cognizance of
£50, to be ren-
dered to effect

(1.) See *Rex v. Bedwin*, B.S.C. 165; *R. v. Chaversett*, 8 T.R. 178.

(2.) As to this Statute applying to Cases of *Certiorari*, to remove a Conviction where there has been no Appeal, see *B.T. R.* 218, n.

(3.) The Act requires a single Recognizance in £50, and is not satisfied by a Recognizance of the Party and his Sureties in £25 each, but after a defective Recognizance, a valid one may be taken; *R. v. Dunn*, *S.T. R.* 217.

No. 3. ‘Quarter Sessions of the Peace,’ which was to continue and be in Force for three Years, and from thence to the End of William III. c. 33. the next Session of Parliament, by Experience hath been found useful and beneficial; therefore, for continuing the same, be it enacted by the King’s most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and is hereby continued, and shall be in Force and made perpetual.

Act 5 & 6 W. & M. c. 11. made perpetual.
Party prosecuting any Certiorari to remove an Indictment may find two Manucaptors to enter into a Recognizance, &c.

II. And, for the making the Purpose and Design of the said Act more effectual, be it enacted by the Authority aforesaid, that from and after the one and twentieth Day of April, which shall be in the Year of our Lord one thousand six hundred and ninety-seven, the Party or Parties prosecuting any *Certiorari*, to remove any Indictment or Presentment from the Quarter or General Sessions of the Peace, may find two sufficient *Manucaptors*, who shall enter into a Recognizance before any one of his Majesty’s Justices of the Court of King’s Bench, in the same Sum, and under the same Condition, as is required by the said Act, whereof Mention shall be made on the Back of such Writ, under the Hand of the Justice taking the same, which shall be as effectual and available, to all Intents and Purposes, to stay or supersede any further Proceedings upon any Indictment or Presentment, for the Removal of which the said Writ of *Certiorari* shall be granted, as if the Recognizance had been taken before any one of the Justices of the Peace of the County or Place where such Indictment was found, or Presentment made; and also it shall be added to the Condition of every Recognizance taken by virtue of this and the said Act, that the Party or Parties prosecuting such Writ of *Certiorari*, shall appear from Day to Day in the said Court of King’s Bench, and not depart until he or they shall be discharged by the said Court.

Party to appear daily in the King’s Bench Court until discharged.

No. 4.

5 George II. c. 19. — An Act to oblige the Justices of the Peace at their General or Quarter Sessions to determine Appeals made to them according to the Merits of the Case, notwithstanding Defects of Form in the original Proceedings; and to oblige Persons suing forth Writs of *Certiorari* to remove Orders made on such Appeals into his Majesty’s Court of King’s Bench, to give Security to prosecute same with Effect.

**No. 4.
5 George II.
c. 19.**

WHEREAS in many Cases where his Majesty’s Justices of the Peace by Law are impowered to give or make Judgments or Orders, great Expences have been occasioned by reason that such Judgments or Orders have,

on Appeals to the Justices of the Peace at their respective General or Quarter Sessions, been quashed or set aside upon Exceptions or Objections to the Form or Forms of the Proceedings, without hearing or examining the Truth and Merits of the Matter in Question between the Parties concerned? Therefore to prevent the same for the future, may it please your most Excellent Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the twenty-fourth Day of June one thousand seven hundred and thirty-two, my yearly De-^{After 24 June 1732, Justice}
upon all appeals to be made to the Justices of the Peace at their General or Quarter Sessions to be holden for or Appeals, any County, Riding, City, Liberty or Precinct, within that said Part of Great Britain called England, against Judgments or Orders given or made by any Justices of the Peace as aforesaid, such Justices so assembled at any General or Quarter Sessions shall and they are hereby required from Time to Time, within their respective Jurisdictions, upon all and every such Appeals so made to them, to examine any Defect or Defects of Form, (1.) that shall be found in any such original Judgments or Orders, to be rectified and amended without any Costs or Charge to the Parties concerned, and after such Amendment made, shall proceed to hear, examine and consider the Truth and Merits of all Matters concerning such original Judgments or Orders, and likewise to examine all Witnesses upon Oath, and hear all other Proofs relating thereto, and to make such Determinations thereupon as by Law they should or ought to have done, in case there had not been such Defect or Want of Form in the original Proceeding; any Law, Usage or Custom to the contrary notwithstanding.

II. And whereas divers Writs of *Cetiorari* have been procured to remove such Judgments or Orders into his Majesty's Court of King's Bench at Westminster, in hopes thereby to discourage and weary out the Parties concerned in such Judgments or Orders, by great Delays and Expences? Be it therefore enacted by the Authority aforesaid, That no *Cetiorari* shall be allowed to remove any such Judgment or Order, unless the Party or Parties presenting such *Cetiorari*, before the same is removed, shall enter into a Recognizance with sufficient Sureties before one or more Justices of the Peace of the County or Place, or before the Justices at their General Quarter-Sessions or General Sessions, (2.) where such Judgment or Order shall have been given or made, or before any one of his Majesty's Justices of the said Court of King's Bench in the Sum of fifty Pounds, (3.) with Condition to prosecute the same.

(1.) See *Rex v. Bedwin*, B. S. C. 165; *R. v. Chivers*, & T. R. 178.

(2.) As to this Statute applying to Cases of *Cetiorari*, to remove Conviction where there has been no Appeal, see *B. T. R.* 218, n.

(3.) The Act requires a single Recognizance in £50, and is not satisfied by a Recognizance of the Party and his Sureties in £25 each; but after a defective Recognizance, a valid one may be taken, *R. v. Donn*, *S. T. R.* 217.

No. 4.
5 George II.
c. 19.
On Refusal of
Recognition
Justices to
proceed.

at his or their own Costs and Charges with Effect, without any wilful or affected Delay, and to pay the Party or Parties, in whose Favour and for whose Benefit such Judgment or Order was given or made, within one Month after the said Judgment or Order shall be confirmed, (4.) their full Costs and Charges, to be taxed according to the Course of the Court where such Judgments or Orders shall be confirmed; and in case the Party or Parties prosecuting such *Certiorari* shall not enter into such Recognition, or shall not perform the Conditions aforesaid, it shall and may be lawful for the said Justices to proceed, and make such further Order or Orders for the Benefit of the Party or Parties for whom such Judgment shall be given, in such Manner as if no *Certiorari* had been granted.

Recognizances
to be certified
into the King's
Bench.

Attachment for
Contempt.

III. And it is hereby further enacted by the Authority aforesaid, That the Recognizance and Recognizances to be taken as aforesaid shall be certified into the Court of King's Bench at Westminster, and there filed with the *Certiorari* and Order, or Judgment removed thereby; and if the said Order or Judgment shall be confirmed by the said Court, the Persons entitled to such Costs for the Recovery thereof, within ten Days after Demand made of the Person or Persons who ought to pay the said Costs, upon Oath made of the making such Demand and Refusal of Payment thereof, shall have an Attachment granted against him or them by the said Court for such Contempt, and the said Recognizance so given, upon the allowing of such *Certiorari*, shall not be discharged, until the Costs shall be paid, and the Order so confirmed shall be complied with and obeyed.

(4.) If the Case be sent down to be re-stated, and the Prosecutor abandon it when returned, the Court will discharge the Recognizance; secus, si he dispute the amended order; R. v. Edgeworth, &c T. R. 218.

No. 5.

B. 13 George II. c. 18.—An Act to continue several Laws therein mentioned; * * * * * and for limiting the Time for suing forth Writs of *Certiorari* upon Proceedings before Justices of the Peace; and for other Purposes.

No. 5.
5 George II.
c. 18.
Writ of Certio-
rari how to be
applied for.

V. AND for the better preventing vexatious Delays and Expence, occasioned by the suing forth Writs of *Certiorari*, for the Removal of Convictions, Judgments, Orders and other Proceedings before Justices of the Peace; Be it further enacted by the Authority aforesaid, That from and after the twenty-fourth Day of June, which shall be in the Year of our Lord one thousand seven hundred and forty, no Writ of *Certiorari* shall be granted, issued forth or allowed, to remove any Conviction, Judgment, Order or other Proceedings had or made by or before any Justice or Justices of the Peace of any County, City, Borough, Town Corporate or Liberty, or the respective General or Quarter Sessions thereof, unless such *Certiorari* be moved or applied for within six

Calendar Months next after such Conviction, Judgment, Order, (1.) or other Proceedings (2.) shall be so had or made, and unless it be duly proved upon Oath that the said Party or Parties suing forth the same, hath or have given six Days (3.) Notice thereof in Writing to the Justice or Justices, or to two of them (if so many there be) by and before whom such Conviction, Judgment, Order, or other Proceedings shall be so had or made, to the End that such Justice or Justices, or the Parties therein concerned, may shew Cause, if he or they shall so think fit, against the issuing or granting such *Certiorari*.

No. 5.
13 George II.
c. 18.

- (1.) If an Order is made, reserving a Case, the Application must be made within six Months after the Order, and not merely within that Time after settling the Case; *R. v. Justices of Sussex*, 1 M. and S. 631, 734.
 (2.) The Act does not extend to Indictments; *R. v. Battams*, 1 East, 298.
 (3.) The Notice must be six Days before applying for the Rule to shew Cause; *R. v. Justices of Glamorgan*, 5 T. R. 279.

(F)

ARRAIGNMENT AND TRIAL—CRIMINAL COURTS:

§ 1. IN GENERAL.

No. 1.

9 Henry III. (*Magna Charta*) c. 17.—Holding Pleas of the Crown.

Ex Rot. in Turr. Lond.

NULLIUS Vicecomes Con-
stable, Es-
tibularius Coronatur vel
alii Ballivi nostri teneant pla-
cita corone nostre.

NO Sheriff, Constable, Es-
tibularius, Coronator, nor
any other our Bailiffs, shall
hold Pleas of our Crown.'

No. 1.
9 Henry III.

No. 2.

3 Edward I. c. 12.—The Punishment of Felons refusing lawful Trial.

Cotton MS.

PURVEU est ensement, qe les felonys escriez, & qe sont apertement de male fame, & ne se voillent mettre en enqueste des felonies, qe lem lui

Tis provided also, That notorious Felons, and which openly be of evil Name, and will not put themselves in Enquests of

No. 2.
3 Edward I.
c. 12.

Cotton MS.

No. 2. 'Felonies, that Men shall
 3 Edward I. 'charge them with before the
 c. 12. 'Justices at the King's Suit,
 'shall have strong and hard
 'Imprisonment, as they which
 'refuse to stand to the Com-
 'mon Law of the Land. But
 'this is not to be understood
 'of such Prisoners as be taken
 'of light Suspicion.'

mette suite devant Justices à
 la suite le Roi, soient mys en
 la prisone forte & dure, come
 ceux qui refusent estre à la com-
 mune ley de la terre. Mesme
 nest mye a entendre pui pris-
 sons, qui sont pris par leger
 suspicio[n].

No. 3.

13 Edward I. st. 1. c. 29.—To whom only the Writ of
 Trespass of *Oyer* and *Terminer* shall be granted.
 In what Case the Writ of *Odio & Actia* is granted.

No. 4.

27 Edward I. st. 1. c. 3.—Justices of Assise shall be of
 Coal-delivery, who shall punish Officers bailing such
 as are not bailable.

No. 4. "FORASMUCH as Sheriffs
 27 Edward I. "and others heretofore
 st. 1. c. 3. "have let out by Replevin
 "common Felons, and openly
 "delained, being taken and
 "imprisoned for Murther and
 "other Felonies, and such as
 "be not repleviable, contrary
 "to the Form of our Statute of
 "Persons repleviable and not
 "repleviable, lately made,
 "whereby such Transgressors
 "not repleviable being so
 "replevied, do, in order de-
 "cidedly to obtain their Deliv-
 "ery before the coming of
 "the Justices Itinrant, or other
 "assigned for their Deliver-
 "ance, procure and suborn,
 "by their Friends, the Jurors
 "of the Country, and threaten
 "others, whereby as well for
 "Fear of the Sheriff, and
 "other that let them at large

Ex Rot. in Turri, Lond.
 QUILA vicecomites & alii
 temporibus retroactis la-
 trones notorios & manifestos
 & pro morte hominis & alii
 felonii captos & imprisonatos
 & qui non sunt repleg' per
 plevinam dimiserunt contra
 formam statuti nostri de his
 qui sunt irreplegabiles & qui
 non nuper editi per quod ipsi
 malefactores irrepleg' sic re-
 plegiati ad eorum deliberatio-
 nem falso faciendo juratores
 patrie perse & amicos suis ante
 adventum Justic' itinerantem
 aut aliorum ad eorum delibera-
 tionem assignatorum procurant
 & subhorant aliique minantur
 per quod tam propter metum
 vicecomitum & aliorum per
 talem plevinam illos dimis-
 tentium quam timorem eorum
 de latronum seu felonum sic
 liberatorum coram Justic' ad

Ex Rot. in Turr. Lond.
 gaolas deliberandas assignatis
 homicidis & latrociniis surfo-
 cantur & ipsa sic concealata
 penitus remanent impanita Nos
 pro utilitate regni nostri &
 pace nostra firmius observanda
 statuimus & ordinavimus quod
 Justic' ad assis capient
 assignata in singulis com' ubi
 capiunt assisas prout ordinan-
 tur statim post assisas captias
 in eisdem com' remaneant am-
 bo si laici fuerint & si unus
 ipsorum fuerit clericus tunc as-
 sociato i'li' Justic' q' u' laicus
 est uno de discretioribus nulli-
 tibus comitatus illius per breve
 rostrata deliberant gaolas in
 com' illis tam intra libertates
 quam extra de prisonibus qui
 busecumque secundum formam
 deliberatoris gaole com' illo-
 ria hac'enus usitatam. Et
 idem Justic' tunc inquirant
 qui vicecomites & alii prisones
 aliquos irreplegabiles per ple-
 viaam dimicent vel in aliquo
 contra formam statuti predicti
 nuper apud Westm' existi deli-
 querunt & quos inde culpabiles
 invenerint ipsoe in omnibus
 secundum formam statuti pre-
 dicti puniant & castigent.

"by Plevin, as for Fear of No. 4.
 "the Thieves being so deli- 27 Edward I:
 "vered, before the Justices st. 3. c. 3.
 "assigned for Gaol-deliveries,
 "such Felonies and Murther
 "are concealed, and so being
 "concealed, remain till un-
 "punished;" "We, for the Justices of Ar-
 "Utility of our Realm, and sive shall be also
 "for the more assured Conser- Justices of
 "vation of our Peace, have
 "provided and ordained, That
 "Justices assigned to take
 "Assizes in every County
 "where they do take Assizes,
 "as they be appointed, incon-
 "tinent after the Assizes taken
 "in the Shires, shall remain
 "both together if they be Lay;
 "and if one of them be a Clerk,
 "then one of the most des-
 "creet Knights of the Shire
 "being associate to him that is
 "a Layman, by our Will shall
 "deliver the Gaols of the
 "Shires, as well within Liber-
 "ties as without, of all Man-
 "ner of Prisoners, after the
 "Form of the Gaol-deliveries
 "of those Shires beforetime
 "used. And the same Justices Punishment of
 "shall inquire then, if Sheriff for
 "any other have let out by
 "Replevin Prisoners not reple-
 "gisable, or have offended
 "in any Thing contrary to the
 "Form of the foresaid Statute
 "lately made at Westminster;
 "and whom they shall find
 "guilty, they shall chasten and
 "punish in all Things accord-
 "ing to the Form of the Statute
 "aforesaid."

No. 5.

28 Edward I. st. 3. c. 3.—Of what Things only the Mar-
 shal of the King's House shall hold Plea. Which
 Coroners shall enquire of the Death of a Man slain
 within the Verge.

No. 6.

- 4 Edward III. c. 2.—The Authority of Justices of Assise,
Gaol-delivery, and of the Peace.

[See Pt. IV. Cl. I. No. 11.]

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No. 7.

- 15 Edward III. c. 2.—An Act concerning Trial by
Peers.

No. 8.

- 25 Edward III. st. 5. c. 3.—No Indictor shall be put
upon the Inquest of the Party indicted.

No. 9.

- 45 Edward III. st. 5. c. 4.—None shall be condemned
upon Suggestion without lawful Presentment.

No. 10.

- 42 Edward III. c. 3.—None shall be put to answer an
Accusation made to the King without Presentment.

No. 11.

- 6 Richard II. c. 5.—Justices of Assise, &c. shall hold
their Sessions in principal Towns.

No. 12.

- 11 Richard II. c. 11.—The keeping of Assises in good
Towns, referred to the Consideration of the Chancellor
and Justices, &c.

No. 13.

- 17 Richard II. c. 10.—Two learned Men in the Law
shall be in Commission of Gaol Delivery.

No. 14.

- 11 Henry IV. c. 9.—*Jurors in Indictments shall be returned by the Sheriff, or Bailiffs, without the Denomination of any.*

No. 15.

- 14 Henry VI. c. 1.—*Justices of Nisi Prius may give Judgement of a Man attainted or acquitted of Felony.*

Ex Rot. in Turr. Lond.

EN priunes nostre dit Seignur le Roy ad ordine par auctorite del dit parlement qe les Justices devant queux inquisitions enquestes & juries enavant soient prisez par brief du Roi de Nisi prius joust la forme de l'estatut ent fait eient poair en toutz casez de felonie & treason de rendre leur jugement sibien lou home est acquite de felonie ou de treason come lou il est ent atteint a jour & lieu ou les ditz inquisitions enquestes & juries issint soient prises & adonques illeuoques de agarder execution de estre fait par force de mesmes les judgementz.

FIRST, Our Lord the King bath ordained, by the Authority of the said Parliament, That the Justices before whom Inquisitions, Inquests, and Juries, from henceforth shall be taken by the King's Writ called *Nisi prius*, according to the Form of the Statute thereof made, shall have Power of all the Cases of Felony and of Treason, to give their Judgments, as well where a Man is acquit of Felony, or of Treason, as where he is thereof attainted, at the Day and Place where the said Inquisitions, Inquests and Juries be so taken, and then from thenceforth to award Execution to be made by force of the same Judgements. (1.)

No. 15.
14 Henry VI.
c. 1.

(1.) Upon Indictment for Murder, removed by *Certiorari* into the King's Bench, the Judge at *Nisi Prius* may pass Sentence and award Execution; *R. v. Thomas*, 4 M. and S. 412.

No. 16.

- 20 Henry VI. c. 9.—*The Order of Trial of Countesses, &c. being indicted of Treason, &c.*

No. 17.

D. 3 Henry VII. c. 1.—The Authority of the Court of Star Chamber. Where one Inquest shall inquire of the Concubinage of another. A Coroner's Duty after a Murder committed. A Justice of Peace shall certify his Recognizances, &c.

No. 17. 3 Henry VII. c. 1.
The Causes why Murders be committed.

IHIM, The King remembering how Murders and slaying of his Subjects daily do increase in this Land, the Occasions wherent be divers; one, That Men in Towns where so b Murders hap to fall and be done, will not attack the Murderer, where the Law of the Laed is, That if any Man be slain in the Day, and the Felon not taken, the Township where the Death or Murder is done, shall be amerced; and if any Man be wounded in Peril of Death, the Party that so wounded should be arrested, and put in Surety, to perfect Knowledge be had, whether he so hurt shold live or die; And the Coroner upon the View of the Body dead, should inquire of him or them that had done that Death or Murder, et their Abettors and Consenters, and who were present when the Death or Murder was done, whether Man or Woman, and the Names of them that were present, and so found, to intoll and certify; which Law by Negligence is disused, and thereby great Boldness is given to slayers and Murderers; and over this it is used, that within the Year and a Day after any Heatter or Murder had or done, the Felony should not be determined at the King's Suit, for saving of the Party's Suit, wherein the Party is oftentimes slow, and also agreed with, and by the End of the Year all is forgotten, which is another Occasion of Murder. And also he that will see any Appeal, must sue in proper Person, which Suit is long and costly, that it maketh the Party Appellant weary to sue. For Reformation of the Premises, the King our Sovereign Lord, by the Assent of the Lords Spiritual and Temporal, and the Commons, in the said Parliament assembled, and by Authority of the same, will that every Coroner exercise and do his Office according to the Law, as is afore rehearsed; and that if any Man be slain or murdered, and thereof the Slayers, Murderers, Abettors, Maintainers, and Comforters of the same, be indicted, that the same Slayers and Murderers, and all other Accessaries of the same, be arraigned and determined of the same Felony and Murder, at any Time, at the King's Suit, within the Year after the same Felony and Murder done, and not tarry the Year and Day for any Appeal to be taken for the same Felony or Murder; and if it happen any Person named as Principal or Accessary, to be acquitted of any such Murder at the King's Suit, within the Year and Day, that then the same Justices before whom he is acquitted, shall not suffer him to go at large, but either to remit him again to the Prison, or else to let him to Bail, after their Discretion, till that Year and Day be passed; and if it

A Coroner shall execute his Office according to the Law.

A Murderer indicted shall be presently arraigned at the King's Suit.

A Murderer indicted and acquitted, shall not be set at Liberty.

fortune the same Felons or Murderers, and Accessaries so arraigned, or any of them, to be acquit, or the Principal of the said Felony, or any of them, to be attainted, the Wife, or next Heir to him so slain, as shall require, may take and have their Appeal of the same Death and Murder within the Year and Day after the same Felony and Murder done, against the said Persons so arraigned and acquit, and all other their Accessories, or against the Accessories of the said Principal, or any of them so attainted, or against the said Principals so attainted if they be on life, and the Benefit of his Clergy thereon before not had: And that the Appellant have such and like Advantage, as if the said Acquittal or Attainder had not been, the said Acquittal or Attainder notwithstanding; and over that the Wife, or Heir of the said Person so slain or murdered, as the Case shall require, may commence their Appeal in proper Person, at any Time within the Year after the said Felony done, before the Sheriff and Coroners of the County where the said Felony or Murder was done, or before the King in his Bench, or Justices of Gaol-delivery, and the Appellant in any Appeals of Murder or Death of Man, where Battail by the Course of the Common Law lieth not, may make their Attorneys, and appear by the same, in the said Appeals after they be commenced, to the End of the Suit, and execution of the same: And if any Person be slain or murdered in the Day, and the Murderer scape untaken, that the Township where the said Deed is so done, be amerced for the said Escape, and that the Coroner have Authority to inquire thereof upon the View of the Body dead; and also Justices of Peace have a Power to inquire of such Escapes, and that to certify above the King in his Bench; and that after the Felony found, the Coroners deliver their Inquisitions above the Justices or the next Gaol-delivery, in the Shire where the Inquisition is taken, the same Justices to proceed against such Murderers, if they be in the Gaol, or else the same Justices to put the same Inquisitions above the King in his Bench. And forasmuch The Coroners as Coroners had not nor ought to have any thing by the Law for their Office doing, which oft-time hath been the Occasion ^{Fee upon the View of a Body slain.} that Coroners have been remiss in doing their Office; it is ordained, That a Coroner have for his Fee, upon every Inquisition taken upon the View of the Body slain *xiiii. id.* of the Goods and Chattels of him that is the Slayer and Murderer, if he have any Goods, and if he have no Goods, then the Coroner have for his said Fee, of such Americainents as shall fortune any Township to be amerced for Escape of such Murderer as is aforesaid.

No. 18.

6 Henry VIII. c. 6.—An Act for the remitting Prisoners with their Indictments to the Places where the Crimes were committed.

No. 18.
6 Henry VIII.

The Justices of
the King's
Bench may re-
mit Prisoners
out of the Court
into the Coun-
try to be tried.

WHENCE, divers Felons and Murtherers, upon feigned and untrue Surmises, have oftentimes removed, as well their Bodies as their Indictments, by Writ and otherwise, before the King in his Bench, and cannot by the Order of the Law be remitted and sent down to the Justices of Gaol-delivery, or of the Peace, or other Justices or Commissioners, to proceed upon them after the Course of the Common Law? Be it therefore ordained and enacted by the Authority of this present Parliament, That the Justices of the King's Bench for the Time being have full Authority and Power, by their Discretions, to remand and send down, as well the Bodies of all Felons and Murtherers brought or removed, or that shall be removed or brought, before the King in his Bench, as their Indictments, into the Counties where the same Murtherers or Felonies have been committed and done; and to command all Justices of Gaol-delivery, Justices of Peace, and all other Justices and Commissioners, and every of them, to proceed and determine upon all the aforesaid Bodies and Indictments so removed, after the Course of the Common Law, in such Manner as the same Justices of Gaol-delivery, Justices of Peace, and other Commissioners, or any of them might or should have done, if the said Prisoners or Indictments had never been brought into the said King's Bench.

No. 19.

23 Henry VIII. c. 13.—An Act for Trial of Murders in Cities and Towns.

[See Cl. IV. No. 10.]

No. 20.

23 Henry VIII. c. 3.—For such as stand mute, &c.

[See Cl. VII. No. 4.]

No. 21.

2 and 3 Edward VI. c. 24.—An Act for Trial of Murders and Felonies committed in several Counties.

[See Cl. IV. No. 14.]

No. 22.

Anne, st. 2. c. 9.—An Act for punishing Accessories to Felonies, and Receivers of stolen Goods, and to prevent the wilful burning and destroying of Ships.

[See the Act at length Cl. V. No. 27.]

FORASMUCH as the Counsellors and Contrivers of Theft and other Felonies, and the Receivers of Goods that have been stolen, are the principal Cause of the Commission of such Felonies; and as the Law now is, no Accessory can be convicted or suffer any Punishment where the Principal is not attainted, or hath the Benefit of his Clergy; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the twelfth Day of February which shall be in the Year of our Lord one thousand seven hundred and two, if any principal Offender shall be convicted of any Felony, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding any such principal Felon shall be admitted to the Benefit of his Clergy, pardoned, or otherwise delivered before Attaint; and every such Accessory shall suffer the same Punishment, if he or she be convicted, or shall stand mute, or peremptorily challenge above the Number of twenty Persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted.

No. 22.
1 Anne,
st. 2. c. 9.

Principal Offender be convicted of Felony, &c. it shall be lawful to proceed against Accessory; upon Conviction shall suffer the same Punishment, &c.

No. 23.

George II. c. 21.—An Act for the Trial of Murders, in Cases where either the Stroke or Death only happens within that Part of Great Britain called England.

[See Cl. IV. No. 18.]

No. 24.

12 George III. c. 20. —An Act for the more effectual proceeding against Persons standing Mute on their Arraignment for Felony or Piracy.

No. 23. 12 George III. c. 20. **F**OR the more effectual proceeding against Persons standing Mute on their Arraignment for Felony, or Piracy, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, from and after the passing of this Act, being arraigned on any Indictment, or Appeal for Felony, or on any Indictment for Piracy, shall upon such Arraignment, stand mute, or will not answer directly to the Felony, or Piracy, such Person so standing Mute, as aforesaid, shall be convicted of the Felony or Piracy charged in such Indictment or Appeal; and the Court before whom he shall be so arraigned shall thereupon award Judgment and Execution against such Person, in the same Manner as if such Person had been convicted by Verdict or Confession of the Felony, or Piracy charged in such Indictment or Appeal; and such Judgment shall have all the same Consequences in every Respect as if such Person had been convicted by Verdict or Confession of such Felony or Piracy, and Judgment had been thereupon awarded.

II. And be it further enacted, That the Provisions of this Act shall extend to his Majesty's Colonies and Plantations in America.

No. 25.

19 George III. c. 74.—An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment, of certain Offenders.*

No. 25. 19 George III. c. 74. **A**ND whereas the Courts of Assize, *Nisi Prius*, Oyer and Terminer, and Gaol Delivery, for several Counties at large in this Kingdom, are often held in or near Cities or Towns that are Counties of themselves, and at the same Time with the like Courts for the said Cities or Towns; and Inconveniences frequently arise, in transacting the Business of the several Courts, for that the Lodgings of the Judges are situate either only in the County at large, or only in the County of such City or Town; be it therefore further enacted, That whenever the Courts of Assize, *Nisi prius*, Oyer and Terminer, or Gaol-delivery, for any County Lodgings of the Judges at Coun. at large, in that Part of Great Britain called England, shall be held in or near any City or Town that is also a County of itself, and at the same Time with the like or any of the like Courts

*Regulation re-
lative to the
Lodgings of the
Judges at Coun-
ty Assizes.*

for the said City or Town, the Lodgings of the Judge or Judges shall be construed and taken to be situate both within the County at large, and also within the County of such City or Town for the Purpose of carrying this Act into Execution, and of transacting the Business of the Assizes for such County at large, and for the County of such City or Town, during the Time that such Judge or Judges shall continue therein for the Execution of their several Commissions.

No. 26.

George III. c. 18.—An Act to empower the Justices of Oyer and Terminer and Gaol Delivery of Newgate for the County of Middlesex, to continue to hold a Session of Gaol Delivery of Newgate, begun to be held before the Essoign Day of Term, and Sitting of the King's Bench at Westminster, notwithstanding the happening of such Essoign Day, or the Sitting of the said Court of King's Bench at Westminster, or elsewhere in the said County of Middlesex.

No. 27.

2 George III. c. 48.—An Act to empower the Justices of the Peace for the County of Middlesex to continue a Session of the Peace, and of Oyer and Terminer, begun to be held before the Essoign Day of Term, and Sitting of the King's Bench at Westminster, notwithstanding the happening of such Essoign Day, or the Sitting of the said Court of King's Bench at Westminster, or elsewhere, in the said County of Middlesex.

No. 28.

3 George III. c. 52.—An Act to regulate the Trial of Causes, Indictments, and other Proceedings, which arise within the Counties of certain Cities and Towns Corporate within this Kingdom.

[Inserted Pt. IV. Cl. IV. No. 66.]

No. 29.

51 George III. c. 100.—An Act to amend an Act passed in the thirty-eighth Year of his present Majesty's Reign, intituled, "An Act to regulate the Trial of Causes, Indictments and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom."—[26th. June 1811.]

No. 29. WHEREAS by an Act of Parliament made and passed
 (George III. c. 100.) in the thirty-eighth Year of the Reign of his present
 Majesty, intituled, "An Act to regulate the Trial of Causes,
 & G. 3. c. 52. Indictments and other Proceedings which arise within the
 Counties of certain Cities and Towns Corporate within
 this Kingdom," it is, amongst other Things, enacted, that it
 should and might be lawful for any Prosecutor or Prosecutors
 to prefer his, her or their Bill or Bills of Indictment, for any
 Offence or Offences committed or charged to be committed
 within the County of any City or Town Corporate, to the
 Jury of the County next adjoining to the County of such City
 or Town Corporate, sworn and charged to enquire for the
 King for the Body of such adjoining County, at any Sessions
 of Oyer and Terminer or General Gaol Delivery; and that
 every such Bill of Indictment found to be a true Bill by such
 Jury should be valid and effectual in Law, as if the same
 had been found to be a true Bill by any Jury sworn and
 charged to enquire for the King, for the Body of the County
 of such City or Town Corporate: And whereas it was
 further provided by the said recited Act, that if it should
 appear, in the manner therein mentioned, to any Court of
 Oyer and Terminer or General Gaol Delivery for the County
 of any City or Town Corporate, that any Indictment found
 by any Grand Jury of the County of such City or Town
 Corporate, or any Inquisition taken before the Coroner or
 Coroners of the County of such City or Town Corporate, or
 other Franchise, was fit and proper to be tried by a Jury of
 any next adjoining County, that the same Proceedings and
 Trial should be had, and the same Judgment should be given
 as would and might be had and given in Cases of Indict-
 ments or Inquisitions for the like Offences committed within
 such next adjoining Counties; but no Power was given in
 Cases of Conviction, in pursuance of any of the Provisions
 in the said recited Act, of ordering the Execution of the
 Sentence in the County of the City or Town Corporate
 within which the Offence had been committed, and was
 charged to have been committed: And whereas it may be
 fit and expedient, that in such cases the Punishment should
 be inflicted, and the Sentences put in Execution, in the
 respective Counties of the Cities or Towns Corporate where
 such Offences had been so committed: May it therefore
 please your Majesty that it may be enacted; and be it enacted
 by the King's most Excellent Majesty, by and with the Advice

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of George III. c. 100.
 of the same, That, from and after the passing of this Act, it shall and may be lawful for the Court before which any Conviction shall have taken place in pursuance of the Provisions of the said recited Act, to order every such Convict to be punished according to Law, either within the County where such Conviction shall have taken place, or within the County of the City or Town Corporate wherein such Offence shall have been committed; and in cases where the Court shall order such Convict to be punished within the County of such City or Town Corporate, it shall and may be lawful for the Court after passing Sentence upon every such Convict or Convicts to order him, her or them to be delivered into the Custody of the Sheriff or Sheriffs, Gaoler or other proper Officer or Officers of the County of such City or Town Corporate, and the Sheriff or Sheriffs, Gaoler or other proper Officer or Officers of the County of such City or Town Corporate is and are hereby commanded to receive into his or their Custody every such Convict or Convicts, and to execute the Sentence so passed upon him, her and them in such adjoining County, as if he, she or they had been tried and had received such Sentence in the County of such City or Town Corporate.

II. And whereas it is provided by the said in Part recited Act, that in all Cases of Indictments and other Proceedings which may be tried before his Majesty's Justices of Oyer and Terminer or General Gaol Delivery, for any County in pursuance of the Provisions contained in the said Act, it should and might be lawful for such Justices to order the Expenses of the Prosecution, and of the Witnesses, and of the several Rewards payable in pursuance of the Statutes in such Cases made and provided on the Conviction of Offenders, to be paid by and to the same Persons and in the same Manner as the same would have been payable if such Indictment had been tried in the Court of Oyer and Terminer or General Gaol Delivery of the County of such City or Town Corporate: And whereas it is just and expedient that a similar Provision should be made for the Payment of all other Expenses which may be incurred by any such adjoining County in relation to any Person who may be tried or removed for Trial to such adjoining County, for any Offence committed or charged to have been committed in the County of any such City or Town Corporate; Be it therefore enacted, That it shall and may be lawful for the Justices of Oyer and Terminer, or General Gaol Delivery, at any Session thereof holden for such County, and they are hereby required to order all Expenses whatsoever incurred by such County in relation to any Person who shall be tried in such County or removed thither for Trial, for any Offence committed or charged to have been committed within the County of any such City or Town Corporate, as well in maintaining and supporting such Person, and carrying the Sentence into Execu-

Provision
Payment of
Expenses
fore provided
for by the
County of a
City or Town
Corporate.

No. 29.

51 George III. c. 100.—An Act to amend an Act passed in the thirty-eighth Year of his present Majesty's Reign, intituled, “ An Act to regulate the Trial of Causes, Indictments and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom.”—[26th. June 1811.]

No. 29. • WHEREAS by an Act of Parliament made and passed
 51 George III. c. 100. • in the thirty-eighth Year of the Reign of his present
 52 G. 3. c. 52. • Majesty, intituled, “ An Act to regulate the Trial of Causes,
 92. • Indictments and other Proceedings which arise within the
 • Counties of certain Cities and Towns Corporate within
 • this Kingdom,” it is, amongst other Things, enacted, that it
 • should and might be lawful for any Prosecutor or Prosecutors
 • to prefer his, her or their Bill or Bills of Indictment, for any
 • Offence or Offences committed or charged to be committed
 • within the County of any City or Town Corporate, to the
 • Jury of the County next adjoining to the County of such City
 • or Town Corporate, sworn and charged to enquire for the
 • King for the Body of such adjoining County, at any Sessions
 • of Oyer and Terminer or General Gaol Delivery; and that
 • every such Bill of Indictment found to be a true Bill by such
 • Jury should be valid and effectual in Law, as if the same
 • had been found to be a true Bill by any Jury sworn and
 • charged to enquire for the King, for the Body of the County
 • of such City or Town Corporate: And whereas it was
 • further provided by the said recited Act, that if it should
 • appear, in the manner therein mentioned, to any Court of
 • Oyer and Terminer or General Gaol Delivery for the County
 • of any City or Town Corporate, that any Indictment found
 • by any Grand Jury of the County of such City or Town
 • Corporate, or any Inquisition taken before the Coroner or
 • Coroners of the County of such City or Town Corporate, or
 • other Franchise, was fit and proper to be tried by a Jury of
 • any next adjoining County, that the same Proceedings and
 • Trial should be had, and the same Judgment should be given
 • as would and might be had and given in Cases of Indict-
 • ments or Inquisitions for the like Offences committed within
 • such next adjoining Counties; but no Power was given in
 • Cases of Conviction, in pursuance of any of the Provisions
 • in the said recited Act, of ordering the Execution of the
 • Sentence in the County of the City or Town Corporate
 • within which the Offence had been committed, and was
 • charged to have been committed: And whereas it may be
 • fit and expedient, that in such cases the Punishment should
 • be inflicted, and the Sentences put in Execution, in the
 • respective Counties of the Cities or Towns Corporate where
 • such Offences had been so committed: May it therefore
 • please your Majesty that it may be enacted; and be it enacted
 • by the King's most Excellent Majesty, by and with the Advice

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of George III. c. 100. of the same, That, from and after the passing of this Act, it shall and may be lawful for the Court before which any Conviction shall have taken place in pursuance of the Provisions of the said Act, to order every such Convict to be punished according to Law, either within the County of where such Conviction shall have taken place, or within the County of the City or Town Corporate wherein such Offence shall have been committed; and in cases where the Court shall order such Convict to be punished within the County of such City or Town Corporate, it shall and may be lawful for the Court after passing Sentence upon every such Convict or Convicts to order him, her or them to be delivered into the Custody of the Sheriff or Sheriffs, Gaoler or other proper Officer or Officers of the County of such City or Town Corporate, and the Sheriff or Sheriffs, Gaoler or other proper Officer or Officers of the County of such City or Town Corporate is and are hereby commanded to receive into his or their Custody every such Convict or Convicts, and to execute the Sentence so passed upon him, her and them in such adjoining County, as if he, she or they had been tried and had received such Sentence in the County of such City or Town Corporate.

II. And whereas it is provided by the said in Part recited Act, that in all Cases of Indictments and other Proceedings which may be tried before his Majesty's Justices of Oyer and Terminer or General Gaol Delivery, for any County in pursuance of the Provisions contained in the said Act, it should and might be lawful for such Justices to order the Expenses of the Prosecution, and of the Witnesses, and of the several Rewards payable in pursuance of the Statutes in such Cases made and provided on the Conviction of Offenders, to be paid by and to the same Persons and in the same Manner as the same would have been payable if such Indictment had been tried in the Court of Oyer and Terminer or General Gaol Delivery of the County of such City or Town Corporate: And whereas it is just and expedient that a similar Provision should be made for the Payment of all other Expenses which may be incurred by any such adjoining County in relation to any Person who may be tried or removed for Trial to such adjoining County, for any Offence committed or charged to have been committed in the County of any such City or Town Corporate; Be it therefore enacted, That it shall and may be lawful for the Justices of Oyer and Terminer, or General Gaol Delivery, at any Session thereof holden for such County, and they are hereby required to order all Expenses whatsoever incurred by such County in relation to any Person who shall be tried in such County or removed thither for Trial, for any Offence committed or charged to have been committed within the County of any such City or Town Corporate, as well in maintaining and supporting such Person and carrying the Sentence into Execu-

Proviso for
Payment of
Expenses not
before provided
for by the
County of a
City or Town
Corporate.

No. 29. ^{51 George III. c. 100.} tion as in any other respect, to be repaid to the Treasurer of such County or other Person acting as Treasurer of such County, or who shall have actually paid such Expences, by the same Person or Persons, and in the same Manner as the same would have been payable if such Offender or supposed Offender had remained in the County of such City or Town Corporate, and had been tried in the Court of *Oyer and Terminer* or General Gaol Delivery of the County of such City, or Town Corporate, and as if the Sentence with respect to such Offender had been carried into Execution within the County of such City or Town Corporate.

No. 30.

53 George III. c. 99.—An Act for the more speedy and effectual Trial and Punishment of Offences committed by Soldiers, detached in Places beyond the Seas, out of his Majesty's Dominions.—[7th. July 1813.]

(F) § 2. OFFENCES COMMITTED OUT OF THE KINGDOM.

[See Class XIII. supra.]

No. 31.

33 Henry VIII. c. 23.—An Act to proceed by Commission of *Oyer and Terminer* against such Persons as shall confess Treason, &c. without remanding the same to be tried in the Shire where the Offence was committed.*

* Inserted ante, Class II. No. 16.—In a Note to that Number it is stated, by Mistake, that the Act is repealed by 1 and 2 P. and M. c. 10.; which is only true as to Treasons committed within the Realm.—For the Cases decided under the Act, see *Rex v. Depardo*, 1 Taunt. 26. In a subsequent Case, Easter Term, 55 Geo. III. it was held by all the Judges, that a British Subject might be tried by virtue of the Act for a Murder committed in Portugal.

No. 32.

Henry VIII. c. 2.—An Act for the Trial of Treasons committed out of the King's Dominions.

[See Cl. XII. No. 17.]

*No. 33.

11 and 12 William III. c. 12.—An Act to punish Governors of Plantations in this Kingdom, for Crimes by them committed in the Plantations.*

WHÈRÈAS a due Punishment is not provided for several Crimes and Offences committed out of this his Majesty's Realm of *England*, whereof divers Governors, Lieutenant Governors, Deputy Governors, or Commanders in Chief of Plantations and Colonies within his Majesty's Dominions beyond the Seas, have taken Advantage, and have not been deterred from oppressing his Majesty's Subjects within their respective Governments and Commands; nor from committing several other great Crimes and Offences notwithstanding themselves punishable for the same here, nor accountable for such their Crimes and Offences to any Person within their respective Governments and Commands: For Remedy whereof, Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That if any Governor, Lieutenant Governor, Deputy Governor, or Commander in Chief of any Plantation or Colony within his Majesty's Dominions beyond the Seas, shall after the first Day of *August* one thousand seven hundred, be guilty of oppressing any of his Majesty's Subjects beyond the Seas, within their respective Governments or Commands, or shall be guilty of any other Crime or Offence, contrary to the Laws of this Realm, or in force within their respective Governments or Commands, ~~such~~ Oppressions, Crimes, and Offences, shall be enquired of, heard and determined in his Majesty's Court of King's Bench ~~may be tried in~~ ^{here in} *England*, or before such Commissioners, and in such County of this Realm, as shall be assigned by his Majesty's Commission, and by good and lawful Men of the same County, and that such Punishments shall be inflicted on such Offenders, as are usually inflicted for Offences of like Nature committed here in *England*.

No
11 and 12.
William III.
c. 12.

* It was lately stated in Parliament that this Act was repealed; but I have not been able to discover that that is the Case.

No. 34.

13 George III. c. 63.—An Act for establishing certain Regulations for the better Management of the Affairs of the *East India Company*, as well in *India* as in *Europe*.*

XXXIX. **A**ND be it further enacted by the Authority aforesaid, That if any Governor-general, President, or Governor, or Council of any of the said Company's

p.

No. 34.
13 George III.
c. 63.

* See Sec. 42. respecting the Examination of Witnesses, Pt. IV. Cl. X. No. 6.

No. 34. Principal or other Settlements in *India*, or the Chief Justice, or
 23 George III. any of the Judges of the said Supreme Court of Judicature to be
 c. 63. by the said new Charter established, or of any other Court in
 If the Governor-general, any of the said United Company's Settlements, or any other
 President, &c. Person or Persons who now are, or heretofore have been em-
 commit Offen- ployed by or in the Service of the said United Company, in
 ces, the same any Civil or Military Station, Office, or Capacity, or who
 may be tried have or claim, or heretofore have had or claimed, any Power
 and determined or Authority, or Jurisdiction, by or from the said United Com-
 in the Court of pany, or any of his Majesty's Subjects residing in *India*, shall
King's Bench. commit any Offence against this Act, or shall have been, or
 shall be, guilty of any Crime, Misdemeanor, or Offence, com-
 mitted against any of his Majesty's Subjects, or any of the
 Inhabitants of *India*, within their respective Jurisdictions, all
 such Crimes, Offences, and Misdemeanours, may be respec-
 tively enquired of, heard, tried, and determined in his Majesty's
 Court of *King's Bench*, and all such Persons so offending, and
 not having been before tried for the same Offence in *India*,
 shall, on Conviction, in any such Case as is not otherwise
 specially provided for by this Act, be liable to such Fine or
 Corporal Punishment as the said Court shall think fit; and
 moreover shall be liable, at the Discretion of the said Court,
 to be adjudged to be incapable of serving the said United
 Company in any Office, Civil or Military; and all and every
 such Crimes, Offences, and Misdemeanours, as aforesaid, may
 be alledged to be committed, and may be laid, enquired of,
 and tried in the County of *Middlesex*.

No. 35.

B. 24 George III. sess. 2. c. 25.—An Act for the better
 Regulation and Management of the Affairs of the
East India Company, and of the *British Posses-*
sions in India; and for establishing a Court of Judicature
 for the more speedy and effectual Trial of Persons accused of
 Offences committed in the East Indies.

No. 35. LXIV. AND whereas it would conduce to the better
 24 George III. Government, Management, and ordering of
 sess. 2. c. 25. the Territories, Possessions, Revenues, and Commerce of
 the said United Company, if some more effectual Course
 than the Common Law hath provided were devised, for
 the prosecuting and bringing to speedy and condign Pu-
 nishment Persons guilty of the Crime of Extortion, and
 other Misdemeanors, committed in the *East Indies* by Bri-
 tish Subjects holding Offices or Employments there under his
 Majesty, his Heirs or Successors, or under the said United
 Company; be it therefore enacted by the Authority afores-
 aid, That it shall and may be lawful to and for the Coroner
 and Attorney of our Lord the King, in the Court of *King's*
Bench, by Rule of the Court of *King's Bench*, to be obtained
 Procedure against British Subjects who shall be guilty of said Misdemeanors in the East Indies.

upon Motion to be made for that Purpose, at the Instance of any Person or Persons (and which Rule the said Court is hereby empowered to grant at their Discretion, if the Magnitude and Circumstances of the Case shall appear to the said Court to render it proper), or for his Majesty's Attorney General, or for the Court of Directors or Court of Proprietors of the said United Company, in the Name of the said United Company, to exhibit in the said Court of King's Bench, an Information against any such Person, for any such Offence as aforesaid, committed after the first Day of March, one thousand seven hundred and eighty-five; whereupon the said Court shall and may, at the Instance of the Prosecutor, cause the Party against whom such Information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the Prison of the *Murshulsen*, or to the Tower of London, or to the Gaol of Newgate, at the Discretion of the said Court, there to be detained until he shall be delivered by due Course of Law, or until he, together with two sufficient Sureties, shall have entered into a Recognizance unto the King's Majesty, his Heirs and Successors, in such Sum of Money, and with such Condition for his Appearance, and for satisfying the Judgment to be pronounced in and upon such Information, as to the said Court in its Discretion shall seem meet; and when the Defendant shall have appeared and pleaded to the said Information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall, within ten Days (unless any Mandamus shall be granted for the Examination of Witnesses as hereinafter provided, upon a Motion to be made within a Time to be limited by the said Court of King's Bench for that Purpose), deliver the Record of the said Information and Plea to the Lord High Chancellor of Great Britain, or Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of Great Britain, who shall thereupon issue a Commission under the said Great Seal in Manner hereinafter provided.

No. 36.

42 George III. c. 85.—An Act for the trying and punishing in Great Britain Persons holding public Employments, for Offences committed abroad; and for extending the Provisions of an Act, passed in the twenty-first Year of the Reign of King James, made for the Ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe Custody.—[22d. June 1802.]

[See Pt. IV. Cl. XX. No. 6.]

No. 35.
24 George III.
sess. 2. c. 25.

No. 37.

46 George III. c. 54.—An Act for the more speedy Trial of Offences committed in distant Parts upon the Sea.
[23d. May 1806.]

[See Cl. XIII. No. 8.]

No. 38.

P 57 George III. c. 53.—An Act for the more effectual Punishment of Murders and Manslaughters committed in Places not within his Majesty's Dominions.
[27th. June 1817.]

No. 38.
57 George III.
c. 53.

Murders and Manslaughters committed in certain Foreign Parts, may be tried in any of his Majesty's Foreign Plantations, in same manner as Offences committed on the High Seas.

56 G. 3. c. 54.

ALL Murders and Manslaughters committed or that shall be committed on Land at the Settlement in the Bay of Honduras by any Person or Persons residing or being within the said Settlement, and all Murders and Manslaughters committed or that shall be committed in the Islands of New Zealand and Otaheite, or within any other Islands, Countries, or Places not within his Majesty's Dominions, nor subject to any European State or Power, nor within the Territory of the United States of America, by the Master or Crew of any British Ship or Vessel, or any of them, or by any Person sailing in or belonging thereto, or that shall have sailed in or belonged to and have quitted any British Ship or Vessel to live in any of the said Islands, Countries, or Places, or either of them; or that shall be there living, shall and may be tried, adjudged, and punished in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts or Factories, under or by virtue of the King's Commission or Commissions, which shall have been or which shall hereafter be issued under and by virtue and in pursuance of the Powers and Authorities of an Act passed in the forty-sixth Year of his present Majesty, intituled “An Act for the more speedy Trial of Offences committed in distant Parts upon the Sea,” in the same Manner as if such Offence or Offences had been committed on the High Seas.

(G)

BENEFIT OF CLERGY—TRANSPORTATION*
—PENITENTIARY HOUSES.

* The earliest Act which imposed the Punishment of Transportation, is 39 Eliz. c. 4. “For the Punishment of Rogues, Vagabonds, and Sturdy Beggars;” by which it is provided, that Rogues, &c. may, by the Justices in Sessions, be banished out of the Realm, and conveyed, at the Charges

on the County, to such Parts beyond Seas as shall be assigned by the Privy Council, or otherwise adjudged perpetually to the Galles of this Realm; and if any Rogue so banished shall again return into the Realm, he shall be guilty of Felony; which Felony shall be determined in the County in which the Offender is apprehended.

The earliest subsisting Statute of which I am aware, which notices the Power of Transportation, is 22 Chas. II. c. 5. ante, Cl. VII. No. 16.

No. 1.

- 3 Edward I. c. 2.—A Clerk convict of Felony, delivered to the Ordinary, shall not depart without Purgation.

No. 2.

- 4 Edward I. c. 5.—*Bigamus* shall not be allowed his Clergy.

[See Note to the Title of 1 Jac. I. c. 11. ante, Cl. V. No. 12.]

No. 3.

- 9 Edward II. c. 16.—The Privilege of the Church being demanded by the Ordinary, shall not be denied to a Clerk that hath confessed Felony.

No. 4.

- 18 Edward III. st. 3. c. 2.—Bigamy shall be tried by the Ordinary, and not by Inquest.

[See Note to Cl. V. No. 12.]

No. 5.

- 25 Edward III. st. 3. c. 4.—Clerks convicted of Felony or Treason shall be delivered to their Ordinaries.

No. 6.

- 25 Edward III. st. 3. c. 5.—A Clerk shall be arraigned of all his Offences at once.

No. 7.

- 4 Henry IV. c. 3.—A Confirmation of the Liberties of the Church and Clergy. A Clerk convict for Treason, or being a common Thief, shall not make his Purgation.

No. 8.

4 Henry VII. c. 13.—Clergy shall be allowed but once. A convict Person shall be marked with the Letters M. or T. A Provision for them which be within Orders.

No. 8.

4 Henry VII. c. 13.

ITEM, Whereas upon Trust of the Privilege of the Church, divers Persons lettered have been the more bold to commit Murder, Rape, Robbery, Theft, and all other mischievous Deeds, because they have been continually admitted to the Benefit of the Clergy as oft as they did offend in any of the Premisses; in avoiding such presumptuous Boldness, It is enacted, ordained and established by the Authority of this present Parliament, That every Person, not being within Orders, which once hath been admitted to the Benefit of his Clergy, esftsoons arraigned of any such Offence, be not admitted to have the Benefit or Priviledge of his Clergy: And that every Person so convicted for Murder, to be marked with an *M* upon the Braun of the left Thumb; and if he be for any other Felony, the same Person to be marked with a *T* in the same Place of the Thumb, and those Marks to be made by the Gaoler openly in the Court before If any Person in the Judge, before that such Person be delivered to the Ordinary, Provided alway, if any Person at the second Time of asking his Clergy, because he is within Orders, hath not then divers, or his Ordinary's Certificate, and there ready his Letters of his Orders, or a Certificate of his Ordinary witnessing the same, that then the Justices, afore whom he is so arraigned, shall give him a Day by their Discretion to bring in his said Letters or Certificate; and if he fail, and bring not in at such a Day his said Letters, nor Certificate, then the same Person to lose the Benefit of his Clergy, as he shall do that is without Orders.

No. 9.

23 Henry VIII. c. 1.—An Act concerning Convicts in Petit Treason, Murder, &c.

No. 9.
23 Henry VIII. c. 1.

Clergy nor allowed to any Person under a Subdeacon.

WHERE at a Parliament holden at Westminster in the third Year of King Edward the First, the same King moved the Prelates of the Realm, and them enjoined upon their Faith that they owed to him, that in no wise they should deliver those Clerks which were indicted for Felony, without due Purgation, so that the said King should have no Need to put other Remedy in that Behalf; and that notwithstanding that Monition, divers and many Clerks convict were accustomably delivered, and suffered to make their Purgations, to the great Courage of Evil-doers:

4 H. 4. c. 3.

II. By Occasion whereof afterward, at another Parliament holden at Westminster in the fourth Year of King Henry the Fourth, upon the Complaint of the Commons, the same

King Henry the Fourth then advertised the Prelates of the Realm of the Premises, intending them to have provided medy, by Authority of the said Parliament, as appertained to his Prerogative Royal, for the Conservation of the Peace of the Crown; at which Time the Archbishop of Canterbury, for himself and all other Bishops of his Province, then openly promised to the same King Henry the Fourth, That if any Person from thenceforth were convict of any Treason which touched not the King nor his Royal Majesty, and such as were notoriously known and reputed for Thieves, and for such Cause delivered to any Ordinary as a Clerk convict, that the Ordinary, to whom such Person or Persons were delivered, should safely keep them after the Effect of a Constitution Provincial, to be made by the said Archbishop and Bishops after the Effect of the Letters of *Simon*, then afore that Time Archbishop of Canterbury, bearing Date the xij Calends of March, the Year of our Lord God M. CCC. L. And that no such Traitor nor Felon should make his Purgation against the said Constitution; which Constitution the said Archbishop then promised to deliver to the same King before his next Parliament, to the Intent that if it should seem to the same King, that the same Constitution were not sufficient Remedy for the Premisses, that then the said King might provide such Remedy, as should appertain in that Behalf. Sithen which Time, the same Constitution was never notified ne shewed by the Prelates of this Realm, but continually sithen that Time manifest Thieves and Murderers, indicted and found guilty of their Misdeeds by good and substantial Inquests, and upon plain and provable Evidence before the King's Justices, and afterwards by the Usages of the Common Laws of the Land delivered to the Ordinaries as Clerks convict, be speedily and hastily delivered and set at large by the Ministers of the said Ordinaries, for Corruption and Lucre; or else because the Ordinaries, enclaiming such Offenders by the Liberties of the Church, will in no wise take the Charges in safe keeping of them, but little regarding the Trial and Conviction of the said Offenders by the due and plain Course of the common Laws of the Land, do suffer them to make their Purgations by such as nothing know of their Misdeeds; and by such Fraud adnul and make void all the good and proveable Trial that is used against such Offender by the King's Laws, to the great Slander of such as pursue such Misdoers, and to the pernicious Example, Increase, and Courage of such Offenders, if the King's Highness, by his Authority Royal, put not speedy Remedy in the Premisses, as appertaineth:

III. Be it therefore enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority do com- of the same, That no Person nor Persons, which hereafter shall happen to be found guilty after the Laws of this Land, for any Manner of Petit Treason, or for any wilful Murder of where the Rob-

Clergy taken from several Persons which do commit divers Offences, Extended to Countries where the Rob-

No. 9.
c. i.

No. 9. Malice prepensed, or for robbing of any Churches, Chapel, or other holy Places, or for robbing of any Person or Persons in their Dwelling Houses, or Dwelling Place, the Owner or Dweller in the same House, his Wife, his Children or Servants then being within, and put in Fear and Dread by the same, or for robbing of any Person or Persons in or near about the Highways, or for willful burning of any Dwelling Houses, or Barns wherein any Grain of Corns shall happen to be, nor any Person or Persons being found guilty of any Abetment, Procurement, Helping, Maintaining, or Counselling, of or to any such Petit Treasons, Murders, or Felonies, shall from henceforth be admitted to the Benefit of his or their Clergy, but utterly he excluded thereof, and suffer Death in such Manner and Form, as they should have done for any the Causes or Offences abovesaid, if they were no Clerks; such as be within holy Orders, that is to say, of the Orders of Sub-deacon, or above, only except. (1.)

None within
holy Orders
convict of Mur-
der, &c. shall
make Purga-
tion, unless he
become bound
with Sureties
for his good
Abearing.

IV. And be it further enacted by Authority aforesaid, That every such Person and Persons within such Orders of Sub-deacon, or above, which at any Time hereafter be found guilty of any Petit Treason, or of any Murder of Malice prepensed, or of any of the Felonies above rehearsed, or of any Accessary to Petit Treason, wilful Murder, or to any other the Felonies above specified, and admitted to his or their Clergy, and delivered to the Ordinary for the same, shall not in any wise from henceforth be suffered to any Purgation, nor be set at Liberty, but remain and abide in perpetual Prison, under the keeping of the Ordinary, to whom he shall be committed, and his Successors, without any Manner of Purgation during the natural Life of every such Convict, except only such Person or Persons so being within such holy Orders, and convict of or for any of the Offences aforesaid, and delivered to the Ordinary for the same, do find two sufficient Sureties by Recognisance before two of the King's Justices of his Peace, within the same Shire wherein the Petit Treason, Murder, or Felony, whereof he was convicted, was committed and done, whereof one of them to be of the *Quorum*, that such convict shall be of good abearing against the King our Sovereign Lord, his Laws and Subjects, every such Convict to be bound in the Sum of xl. li. and every his Sureties in xx. li. and that no Surety be taken, unless such as may dispense in Lands, Tenements, or Hereditaments, yearly, above all Charges, of Estate of Inheritance of Charterhold, xxvi. s. viii. d. or else be worth xx. li. in moveable Substance at the Time of the taking such Recognisance; and that two Justices of Peace, whereof one to be of the *Quorum*, by Authority aforesaid, have Power and Authority to take such Recognisance; and that the said Justices, afore whom any such Recognisance shall be taken, shall certify the same into the King's Bench, within four Months next after the taking thereof, upon Pain to lose and forfeit C. s. for every Default thereof.

Of what Estate
the Sureties
shall be.

(1.) These Offences, with some others, are altogether excluded from Clergy by Stat. 1 Edward VI. c. 12. ante, Class 2. No. 18.

V. Provided alway, That this Act extend not to give No. 9.
 any Benefit to any such Person or Persons, which, after their 23 Henry VIII. Confession, or Judgment given against them, of or for Felony, ^{c. 1.} or Murder, or after they be outlawed for any such Cause, be taint of Felony admitted to their Clergy, and delivered to the Ordinary for the shall not make same, but that they and every of them shall remain in the his Purgation. Custody of the Ordinaries without making Purgation, upon such Peril, and in such Manner and Form, as it was used by the Common Law before the making of this present Act; this Act or any Thing therin contained notwithstanding.

VI. Provided always, and it is further enacted, That An Ordinary every Ordinary, to whose Custody any such Convict for any may degrade a of the Offences above rehearsed shall be committed, may at ^{and send him to} his Liberty disgrade every such Convict after the Laws of the King's Church, if he see Cause so to do, and send the Convict so dis- graded, in sure and safe Keeping, into the King's Bench, with a Certificate under his Seal, testifying the said disgrading, upon which the Justices of the King's Bench, having afore them the Record upon which the said Person so disgraded was first convict, shall give such like Judgement of Death upon the same Record, against every such Person so convict, and dis- graded, as the Justices afore whom he was convict might have done if the said Person so disgraded, at the Time of his Convic- tion afore them, had been no Clerk; his Admission to his Clergy, and committing to the Ordinary, ne any other Thing, Use or Custom to the Contrary hereof notwithstanding; and that every such Judgement shall be executed accordingly; and that every Ordinary so sending any such Convict disgraded into the King's Bench, shall be discharged against the King our Sov- reign Lord, his Heirs and Successors, of or for any further Custody or Keeping of the same Convict. This Act to con- tinue unto the last Day of the next Parliament.

No. 10.

34 and 35 Henry VIII. c. 14.—An Act for a Certificate of Convicts to be made into the King's Bench.

WHERE before this Time divers Persons have been in- dicted, arraigned and attainted, and some of them Clerks convict, and some of them Clerks attainted, and some of them outlawed for Murder, Burglary, Robbery and other Felonies, before Justices of the Peace, Justices of Gaol- delivery and Justices of *Oyer and Determiner*, within divers Cities, Counties, Franchises and Liberties within this Realm, the Records of which Attainders, Outlawries and Convic- tions, often and many Times by Negligence of the Clerk of the Crown, Clerks of Peace, Clerks of Assise, and such other as have had the Order, Rule, Keeping and Govern- ance of the same Records, have been imbezzled and not ready to be objected against such Persons as have been newly arraigned before our Sovereign Lord the King in his Bench,

p.

No. 10.
 34 and 35.
 Henry VIII.
 c. 14.

No. 10. or before other the King's Justices, for like and such other
 34 and 35 Henry VIII. Offences by them committed or done; and for that it hath
 c. 14. not been certainly known whither to resort for the same Rec-
 cords, because they were not certified into any Place certain,
 by reason whereof sometime such Persons and like Offenders
 which have been newly arraigned, as is aforesaid, have had
 the Benefit of his or their Clergy where they ought not, ne-
 should have had the same, if the said Records had then been
 present in the same Place where such Person or Persons
 were so newly arraigned, or else certified into some other
 Place certain, where the same Records might have been
 seen, sent for or written for, to have been objected against
 such Person or Persons so newly arraigned; whereby as well
 the King our Sovereign Lord, as also all other Persons, have
 many Times lost their Escheats, and other Advantages and
 Forfeitures that they should have had by mean of the said
 Attainers, to the great Losses both of our said Sovereign
 Lord the King, and other Persons; and also the same Of-
 fenders have had their Clergy where they ought not so to
 have had, to the great Boldness and Encouraging of like
 Offenders.'

[III. Clerks of Assise, &c. shall certify into the King's Bench the Names of such as be outlawed, attainted or convicted of Felony.—A Transcript of an Indictment delivered to the Ordinary.—The Clerk of the Crown shall receive the Certificates.]

[III. No more Names shall be certified than are attainted, convicted, &c.]

[IV. The Clerk of the Crown shall certify the Names of Convicts to the Justices.]

[V. No Certificate out of Wales, Chester, Lancaster, Durham.]

No. 11.

P. Edward VI. c. 12.—An Act for the Repeal of certain Statutes concerning Treasons and Felonies.

[Inserted at large Cl. II. No. 18.]

No. 11. XIV. AND over that, be it enacted by the Authority aforesaid, That in all and every Case and Cases, Edward VI. c. 12. where any of the King's Majesty's Subjects shall and may, upon his Prayer, have the Privilege of Clergy as a Clerk convict, that may make Purgation; in all those Cases and every of them, and also in all and every Case and Cases of Felony, wherein the Privilege and Benefit of Clergy is restrained, excepted or taken away by this Statute or Act, (wilful Murder and Poisoning of Malice prepensed only excepted) the Lord and Lords of the Parliament, and Peer and Peers of the Realm, having Place and Voice in Parliament, shall by Virtue of this present Act, of Common Grace, upon his or their Request or Prayer, alledging that he is a Lord or Peer of this Realm, and

A Lord of the Parliament shall have his Clergy for his first Offence of Felony, though he cannot read, and without burning.

claiming the Benefit of this Act, though he cannot read, without any burning in the Hand, Loss of Inheritance or Corruption of his Blood, be adjudged, deemed, taken and used for the first Time only, to all Intents, Constructions and Purposes, as a Clerk convict, and shall be in Case of a Clerk convict, which may make Purgation, without any further or other Benefit or Privilege of Clergy to any such Lord or Peer from thenceforth at any Time after for any Cause to be allowed, adjudged or admitted; any Law, Statute, Usage, Custom, or any other Thing to the contrary in any wise notwithstanding.

No. 11.
1 Edward VI.
c. 12.

XVI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, that by this Statute or by any other Statutes or Laws of this Realm ought to have or be admitted to the Benefit of his, or their Clergy; that the same Person and Persons shall be from henceforth admitted and allowed to have his or their Clergy, although they or any of them have been divers and sundry Times married to any single Woman or single Women, or to any Widow or Widows, or to two Wives or more; any Law, Statute, or Usage to the contrary in any wise notwithstanding.

Bigamus allow-
ed his Clergy.

No. 12.

4 and 5 Philip and Mary, c. 4.—An Act that Accessories in Murder and divers Felonies shall not have the Benefit of Clergy.

[See Class IV. No. 19.]

No. 13.

8 Elizabeth, c. 4.—An Act to take away the Benefit of Clergy from certain Offenders for Felony.

[Inserted Class VII. No. 11.]

[Sec. III. Where one shall be arraigned for a former Offence, having his Clergy for a latter.]

No. 14.

18 Elizabeth, c. 7.—An Act to take away Clergy from the Offenders in Rape or Burglary, and an Order for the Delivery of Clerks convict without Purgation.

[Inserted Class V. No. 10.]

[Sec. II. No Man allowed his Clergy shall be committed to the Ordinary, but presently delivered.]

[III. The Justices may retain Offenders in Prison for a Time.]

[V. He that is allowed his Clergy shall answer to other Felonies.]

No. 15.

21 James I. c. 6.—An Act concerning Women convicted of small Felonies.

No. 15.
21 James I.
c. 6.

For Felony
where Clergy
allowed to the
Man, the Wo-
man shall be
burned in the
Hand.

WHEREAS by the Laws of this Realm the Benefit of Clergy is not allowed to Women convicted of Felony, by reason whereof many Women do suffer Death for small Causes; be it enacted by the Authority of this present Parliament, That any Woman being lawfully convicted by her Confession, or by the Verdict of twelve Men, of or for the felonious taking of any Money, Goods or Chattels, above the Value of Twelve-pence, and under the Value of ten Shillings or as accessory to any such Offence, the said Offence being no Burglary nor Robbery in or near the Highway, nor the felonious taking of any Money, Goods, or Chattels, from the Person of any Man or Woman privily, without his or their Knowledge, but only such an Offence, as in the like Case a Man might have his Clergy, shall for the first Offence be branded and marked in the Hand, upon the Brawn of the left Thumb, with a hot burning Iron, having a Roman T upon the said Iron: The said Mark to be made by the Gaoler openly in the Court before the Judge; and also to be further punished by Imprisonment, Whipping, Stocking, or sending to the House of Correction, in such Sort, Manner, and Form, and for so long Time (not exceeding the Space of one whole Year) as the Judge, Judges, or other Justices before whom she shall be so convicted, or which shall have Authority in the Cause, shall in their Discretion think meet, according to the Quality of the Offence, and then to be delivered out of Prison for that Offence; any Law, Custom, or Usage to the contrary notwithstanding. This Act to continue until the End of the first Session of the next Parliament. [3 Car. 1. c. 4. continued until the End of the first Session of the next Parliament, and farther continued by 16 Car. 1. c. 4.]

No. 16.

3 William and Mary, c. 9.—An Act to take away Clergy from some Offenders, and to bring others to Punishment.

[Revised Cl. VII. No. 17.]

[Sec. VI. Women convict of Crimes for which Men have their Clergy upon Prayer punished as Men. By 4 and 5 W. and M. c. 24. sec. 19. Women to have Clergy but once.]

[VII. Where a Person has had his Clergy in another County, Clerk of the Crown, &c., shall certify it.]

No. 17.

4 and 5 William and Mary, c. 24.—An Act for reviving, continuing and explaining several Laws therein mentioned, which are expired and near expiring.

B.

XIII. AND whereas by an Act, made at the last Session of this present Parliament, intituled, "An Act to take away Clergy from some Offenders, and to bring others to Punishment," it was enacted, in Cases where a Man, being convicted of Felony, might demand the Benefit of his Clergy, a Woman convicted for such like Offence, and praying the Benefit of that Statute, should not have Judgement of Death given against her upon such Conviction, or Execution awarded upon any Outlawry for such Offence, but should suffer the same Punishment as a Man who hath the Benefit of his Clergy in the like Case should suffer: And whereas some Doubt hath arisen upon the said Statute, whether a Woman should have the Benefit thereof more than once; be it therefore declared and enacted by the Authority aforesaid, That if any Woman hath been, or at any Time hereafter shall be convicted of any Felony, for which a Man might have the Benefit of Clergy, and upon her Prayer hath once had, or hereafter shall once have the Benefit of the said Statute, and shall be again convicted of any other Felony, for which a Man might have the Benefit of his Clergy, such Woman shall be, and is hereby totally excluded from having any Benefit or Advantage of the said Statute, but shall suffer Pains of Death, in such and the same Manner as if the said Statute had not been made. And be it further enacted, That the said last ^{3 & 4 W. & M.} mentioned Act shall continue and be in Force for the Space of ^{c. 9. continued for three Years.} three Years, from the thirteenth Day of February one thousand six hundred ninety-two, and from thence to the End of the next Session of Parliament, and no longer. [Made perpetual by 6 and 7 W. 3. c. 14. sect. 1.]

No. 17.
4 and 5 William
and Mary,
c. 24.

No. 18.

10. and 11. William III. c. 23.—An Act for the better apprehending, prosecuting and punishing of Felony that commit Burglary, House-breaking, or Robbers in Shops, Warehouses, Coach-houses or Stables, or that steal Horses.

[See, VI. Persons convicted of Theft or Larceny, instead of burning in the Hand, to be burnt in the left Cheek in open Court.]

No. 19.

- 5 Anne, c. 6.—An Act for repealing a Clause in an Act, intituled, “An Act for the better apprehending, prosecuting, and punishing Felons that commit Burglaries, House-breaking, or Robberies in Shops, Warehouses, Coach-houses, or Stables, or that steal Horses.”

[Inserted Cl. VII. No. 20.]

[I. 10 and 11. W. 3. c. 22. Clause for burning of Offenders in the Cheek repealed.]

[II. Offenders to be burnt in the Hand as formerly; and committed to Workhouse, &c. for six Months, &c. Penalty on such as refuse to work.]

[III. If Offenders escape and are retaken, to be committed to Workhouse for twelve Months, &c. and kept at hard Labour.]

[IV. Felons convict, to have Benefit of this Act, without being required to read, &c.]

No. 20.

- p. 4 George I. c. 11.—An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates.

No. 20. WHEREAS it is found by Experience, That the Punishments inflicted by the Laws now in Force against the Offences of Robbery, Larceny and other felonious Taking and Stealing of Money and Goods, have not proved effectual to deter wicked and evil-disposed Persons from being guilty of the said Crimes: And whereas many Offenders to whom Royal Mercy hath been extended, upon Condition of transporting themselves to the *West Indies*, have often neglected to perform the said Condition, but returned to their former Wickedness, and been at last for new Crimes brought to a shameful and ignominious Death: And whereas in many of his Majesty's Colonies and Plantations in *America*, there is great Want of Servants, who by their Labour and Industry might be the means of improving and making the said Colonies and Plantations more useful to this Nation: Be it enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person or Persons have been convicted of any Offence within the Benefit of Clergy, before the twentieth Day of January one thousand seven hundred and seventeen, and are liable to be whipt or burnt in the Hand, or have been ordered to any Workhouse, and who shall be therein on the said twentieth Day of January; as also where any Person or Persons shall be

This Act is in-
forced,
6 Geo. 1. c. 23.

Persons con-
victed of Offen-
ces within Be-
nefit of Clergy,
except Receiv-
ers and Buyers
of stolen Goods,
shall be sent to
the Plantations
for seven Years.

hereafter convicted of Grand or Petit Larceny, or any felonious Stealing or Taking of Money or Goods and Chattels, either from the Person, or the House of any other, or in any other Manner, and who by the law shall be entitled to the Benefit of Clergy, and liable only to the Penalties of Burning in the Hand or Whipping, (except Persons convicted for receiving or buying stolen Goods, knowing them to be stolen) it shall and may be lawful for the Court before whom they were convicted, or any Court held at the same Place with the like Authority, if they think fit, instead of ordering any such Offenders to be burnt in the Hand, or whipt, to order and direct, That such Offenders, as also such Offenders in any Workhouse, as aforesaid, shall be sent as soon as conveniently may be, to some of his Majesty's Colonies and Plantations in America for the Space of Seven Years; and that Court before whom they were convicted, or any subsequent Court held at the same Place, with like Authority as the former, shall have Power to convey, transfer and make over, such Offenders, by Order of Court, to the Use of any Person or Persons who shall contract for the Performance of such Transportation, to him or them, and his and their Assigns, for such Term of Seven Years; and where any Persons have been convicted, or Persons convicted now stand attainted of any Offences whatsoever, for which ed of Offences, Death by Law ought to be inflicted, or where any Offenders excluded Benefit which they are by Law to be excluded the Benefit of Clergy, and Buyers of his Majesty, his Heirs or Successors, shall be graciously pleased may be transferred to extend Royal Mercy to any such Offenders, upon the ported for 14 Years; and Intention of Mercy be signified by one of his Majesty's Principal Secretaries of State, it shall and may be lawful to and for Transportation for their any Court having proper Authority, to allow such Offenders in their Service, the Benefit of a Pardon under the Great Seal, and to order and direct the like Transfer and Conveyance to any Person or Persons, (who will contract for the Performance of such Transportation) and to his and their Assigns, of any such before-mentioned Offenders, as also of any Person or Persons convicted of receiving or buying stolen Goods, knowing them to be stolen, for the Term of fourteen Years, in case such Condition of Transportation be general, or else for such other Term or Terms as shall be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs and Successors, as aforesaid; and such Person or Persons so contracting, as aforesaid, his or their Assigns, by virtue of such Order of Transfer, as aforesaid, shall have a Property and Interest in the Service of such Offenders for such Term of Years.

II. And be it further enacted, by the Authority aforesaid, That if any Offender or Offenders, so ordered by any such Court to be transported for any Term of seven Years or fourteen Years, or other Time or Times, as aforesaid, shall return into any Part of Great Britain or Ireland before the End of his

Returning before Expiration of Term, Death.

No. 20. or their said Term, he or she so returning, as aforesaid, shall be liable to be punished as any Person attainted of Felony without the Benefit of Clergy; and Execution may and shall be awarded against such Offender or Offenders accordingly: Provided nevertheless, That his Majesty, his Heirs and Successors, may at any Time pardon and dispense with any such Transportation, and allow of the Return of any such Offender or Offenders from America, he or they paying their Owner or Proprietor, at the Time of such Pardon, Dispensation, or Allowance, such Sum of Money as shall be adjudged reasonable, by any two Justices of the Peace residing within the Province where such Owner dwells; and where any such Offenders shall be transported, and shall have served their respective Terms, according to the Order of any such Court, as aforesaid, such Services shall have the Effect of a Pardon to all Intents and Purposes, as for that Crime or Crimes for which they were so transported, and shall have so served, as aforesaid.

The King may pardon such Transportation, the Offender Owing his pauper.

III. And be it further enacted by the Authority aforesaid, That every such Person or Persons to whom any such Court shall order any such Offenders to be transferred or conveyed, as aforesaid, before any of them shall be delivered over to such Person or Persons, or his or their Assigns, to be transported, as aforesaid, he or they shall contract and agree with such Person or Persons as shall be ordered and appointed by such Court as aforesaid, and give sufficient Security to the Satisfaction of such Court, that he or they will transport, or cause to be transported effectually such Offenders so conveyed to him or them, as aforesaid, to some of his Majesty's Colonies and Plantations in America, as shall be ordered by the said Court, and procure an authentick Certificate from the Governor, or the chief Custom-house Officer of the Place (which Certificate they are hereby required to give forthwith, without Fee or Reward, as soon as conveniently may be) of the Landing of such Offenders so transferred, as aforesaid, in that Place whereto they shall be ordered (Death and Casualties of the Sea excepted) and that none of the said Offenders shall be suffered to return from the said Place to any Part of Great Britain or Ireland by the wilful Default of such Person or Persons so contracting, as aforesaid, or by the wilful Default of his or their Assigns.

V. And whereas there are many idle Persons who are under the Age of one and twenty Years, lurking about in divers Parts of London, and elsewhere, who want Employment, and may be tempted to become Thieves, if not provided for: And whereas they may be inclined to be transported, and to enter into Services in some of his Majesty's Colonies and Plantations in America; but as they have no Power to contract for themselves, and therefore that it is not safe for Merchants to transport them, to take them into such Services: Be it enacted by the Authority aforesaid, That where any Person of the Age of fifteen Years or more, and under the Age of twenty-one, shall be willing to be transpor-

Contractors to give Security,

and procure certificates from the Governor, &c.

ed, and to enter into any Service in any of his Majesty's Colonies or Plantations in America, it shall and may be lawful for any Merchant, or other, to contract with any such Person, for any such Service, not exceeding the Term of eight Years; Provided such Person so binding him or herself do come before the Lord Mayor of London, or some other Justice of the Peace of the City, if such Contract be made within the same, or the Liberties thereof, or before some other two Justices of the Peace of the Place where such Contract shall be made, if made elsewhere, and before such Magistrate or Magistrates acknowledge such Consent, and do sign such Contract in his or their Presence, and with his or their Approbation; and that then it shall be lawful for any such Merchant or other, to transport such Person so binding him or herself, and to keep him or her within any of the said Plantations or Colonies, according to the Tenor of such Contract, as aforesaid; any Law or Statute to the contrary in any wise notwithstanding; which said Contract and Approbation of such Magistrate or Magistrates, with the Tenor of such Contract, shall be certified by such Magistrate or Magistrates to the next General Quarter-Sessions of the Peace, held for that County where such Magistrate or Magistrates shall reside, to be registered by the Clerk of the Peace without Fee or Reward.

No. 20.
4 George I.
c. 11.
Merchant, or
other, may
contract with
the P. [one] or the
A. [one] of 15, and
under 21, to
serve them in
America for
8 Years.

Contract, &c;
to be certifie
to the Quarter
Sessions.

No. 21.

6 George I. c. 23.—An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons.

P.

I. **A**T THIS EAS the Laws in being have not yet proved effectual to the Suppressing of Robbery, Burglary, and other Felonies, and to the Transportation of Felons, and some of the said Laws wanting to be amended and enforced; Be it enacted by the King's most Excellent Majesty, by and All the Powers given by 4 Geo. I. c. 11. may be executed by any subsequent Court, held for the same County, at another Place,
with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and any subsequent Authority, which are in and by an Act made in the fourth Year of the Reign of his present Majesty, intituled, "An Act for trying, &c. though the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates," given to any Court before whom any Felons and Offenders, tried for and convicted of any Offences for which they may be sent or transported to any of his Majesty's Colonies or Plantations in America, shall and may be observed and executed by any other subsequent Court with like Authority, held for the same County, Riding, Division, or Liberty, where such Felons or Offenders were or shall be tried and convicted, notwithstanding such other subsequent

No. 23. convicted of any Crimes for which he or she is by Law to be excluded the Benefit of Clergy, and the Judge or Justice of Oyer and Terminer or Gaol Delivery, in any County, City, or Place, before whom any such Offender shall be convicted or condemned, shall grant a Reprieve for the staying of Execution of such Offender, and recommend him or her to his Majesty as a proper Object of his Majesty's Mercy; if his Majesty, his Heirs, or Successors, shall be graciously pleased to extend Royal Mercy to any such Offender upon Condition of Transportation to any Part of America, and such Intention of Mercy shall be signified by one of his Majesty's principal Secretaries of State to the Judge so recommending; it shall and may be lawful for every such Judge, or Justice of Oyer and Terminer or Gaol Delivery, to make an Order for the immediate Transportation of every such Offender, in the same Manner as if such Intention of Mercy had been signified to him by one of his Majesty's principal Secretaries of State, during the Continuance of the Assizes at which such Offender was condemned; and such Order shall be considered as an Order made at such Assizes or Place, and shall be as effectual, to every Intent and Purpose, and shall have all the same Consequences in every Respect, as any Order for the Transportation of any Offender made by any Justice of Oyer and Terminer or Gaol Delivery for such County, City, or Place; and such Offender shall be transferred, conveyed, and made over, to any Person who will contract for the Performance of such Transportation, and to his and their Assigns, for the Term of fourteen Years, in case such Condition of Transportation be general; or else for such other Term or Terms as shall be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs and Successors, as aforesaid: And such Person or Persons so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer as aforesaid, shall have a Property and Interest in the Service of the said Offender, for such Terms as aforesaid; and such Transportation shall have the Effect of a Pardon under the Great Seal for such Offender, as to the Crime of which he or she was so convicted; But if such Offender, so ordered for Transportation, shall be afterwards at large within any Part of this Kingdom of Great Britain, without some lawful Cause, before the Expiration of the Term for which such Offender shall have been ordered to be transported; every such Person, being thereof lawfully convicted, shall suffer Death as in Cases of Felony without Benefit of Clergy; and shall be tried before such Judges, and in such Manner, and the same Evidence made use of for his or her Conviction, as are directed, by the Laws now in being, for the Trial of other Felons found at large within this Kingdom before the Expiration of the Term for which they were ordered to be transported: And whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any such Offender so found at large within this Kingdom, shall be intitled to the like Reward of twenty

Pounds, and Certificate, and in the same Manner, as any Person may be intitled to for discovering, apprehending, and prosecuting to Conviction, any Person ordered to be transported, and found at large within this Kingdom before the Expiration of the Term for which such Person was ordered to be transported.

No. 2.
8 George III.
c. 45.

No. 24.

6 George III. c. 43.—An Act to authorise, for a limited Time, the Punishment by Hard Labour of Offenders who, for certain Crimes, are or shall become liable to be transported to any of his Majesty's Colonies and Plantations. *

* This was a temporary Act, passed for two Years. It was the Act which introduced the Punishment of Hulks.

No. 25.

19 George III. c. 74.—An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment, of certain Offenders. †

HEREAS the Punishment of Felons, and other Offenders, by Transportation to his Majesty's Colonies and Plantations in America, is attended with many Difficulties; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of July one thousand seven hundred and seventy-nine, when any Person, at any Session of Oyer and Terminer, or Gaol Delivery, or at any Quarter or other General Session of the Peace, to be holden for any County, Riding, Liberty, Division, City, Corporation, or Place, within that Part of Great Britain called England, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of any Grand or Petty Larceny, or any other Crime, for which he or she is or shall be liable by Law to be transported to any of his Majesty's Colonies or Plantations in America; or if any Person convicted of such Crime hath already been ordered to be so transported, but such Order hath not yet been executed; it shall and may be lawful for the Court before which any such Person hath been or shall be so convicted; or any Court holden for the same Place with like Authority, if such Court shall think fit, to order and adjudge that such Person shall be transported to any Parts beyond the

No. 25.
19 George III.
c. 74.
When any Person is convicted, of any Crime punishable by Transportation to America, the Court may order him to be transported to any Parts beyond the Seas, either in America, or elsewhere.

† This Act (which first provided for the System of Penitentiary Houses, but in that Respect was never carried into Execution,) is expired, except as to the Clauses inserted.

No. 23. convicted of any Crimes for which he or she is by Law to be excluded the Benefit of Clergy, and the Judge or Justice of Oyer and Terminer or Gaol Delivery, in any County, City, or Place, before whom any such Offender shall be convicted or condemned, shall grant a Reprieve for the staying of Execution of such Offender, and recommend him or her to his Majesty as a proper Object of his Majesty's Mercy; if his Majesty, his Heirs, or Successors, shall be graciously pleased to extend Royal Mercy to any such Offender upon Condition of Transportation to any Part of America, and such Intention of Mercy shall be signified by one of his Majesty's principal Secretaries of State to the Judge so recommending; it shall and may be lawful for every such Judge, or Justice of Oyer and Terminer or Gaol Delivery, to make an Order for the immediate Transportation of every such Offender, in the same Manner as if such Intention of Mercy had been signified to him by one of his Majesty's principal Secretaries of State, during the Continuance of the Assizes at which such Offender was condemned; and such Order shall be considered as an Order made at such Assizes or Place, and shall be as effectual, to every Intent and Purpose, and shall have all the same Consequences in every Respect, as any Order for the Transportation of any Offender made by any Justice of Oyer and Terminer or Gaol Delivery for such County, City, or Place; and such Offender shall be transferred, conveyed, and made over, to any Person who will contract for the Performance of such Transportation, and to his and their Assigns, for the Term of fourteen Years, in case such Condition of Transportation be general; or else for such other Term or Terms as shall be made Part of such Condition, if any particular Time be specified by his Majesty, his Heirs and Successors, as aforesaid: And such Person or Persons so contracting as aforesaid, his or their Assigns, by virtue of such Order of Transfer as aforesaid, shall have a Property and Interest in the Service of the said Offender, for such Terms as aforesaid; and such Transportation shall have the Effect of a Pardon under the Great Seal for such Offender, as to the Crime of which he or she was so convicted; But if such Offender, so ordered for Transportation, shall be afterwards at large within any Part of this Kingdom of Great Britain, without some lawful Cause, before the Expiration of the Term for which such Offender shall have been ordered to be transported; every such Person, being thereof lawfully convicted, shall suffer Death as in Cases of Felony without Benefit of Clergy; and shall be tried before such Judges, and in such Manner, and the same Evidence made use of for his or her Conviction, as are directed, by the Laws now in being, for the Trial of other Felons found at large within this Kingdom before the Expiration of the Term for which they were ordered to be transported: And whoever shall discover, apprehend, and prosecute to Conviction of Felony without Benefit of Clergy, any such Offender so found at large within this Kingdom, shall be intitled to the like Reward of twenty

Pounds, and Certificate, and in the same Manner, as any Person may be intitled to for discovering, apprehending, and prosecuting to Conviction, any Person ordered to be transported, and found at large within this Kingdom Before the Expiration of the Term for which such Person was ordered to be transported.

No. 24.
8 George III.
c. 43.

No. 24.
16 George III. c. 43.—An Act to authorise, for a limited Time, the Punishment by Hard Labour of Offenders who, for certain Crimes, are or shall become liable to be transported to any of his Majesty's Colonies and Plantations.*

* This was a temporary Act, passed for two Years.—It was the Act which first introduced the Punishment of Felons.

No. 25.
19 George III. c. 74.—An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment, of certain Offenders.†

WHEREAS the Punishment of Felons, and other Offenders, by Transportation to his Majesty's Colonies and Plantations in America, is attended with many Difficulties; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the first Day of July one thousand seven hundred and seventy-nine, when any Person, at any Session of Oyer and Terminer, or Gaol Delivery, or at any Quarter or other General Session of the Peace, to be holden for any County, Riding, Liberty, Division, City, Corporation, or Place, within that Part of Great Britain called England, or at any Great Session to be holden for the County Palatine of Chester, or within the Principality of Wales, shall be lawfully convicted of any Grand or Petty Larceny, or any other Crime, for which he or she is or shall be liable by Law to be transported to any of his Majesty's Colonies or Plantations in America; or if any Person convicted of such Crime hath already been ordered to be so transported, but such Order hath not yet been executed; it shall and may be lawful for the Court before which any such Person hath been or shall be so convicted; or any Court holden for the same Place with like Authority, if such Court shall think fit, to order and adjudge that such Person shall be transported to any Parts beyond the

No. 25.
19 George III.
c. 74.

When any Person is convicted of any Crime punishable by Transportation to America, the Court may order him to be transported to any Parts beyond the Seas, either in America, or elsewhere.

+ This Act (which first provided for the System of Penitentiary Houses, but in that Respect was never carried into Execution) is expired, except as to the Clauses inserted.

No. 25. Seas, whether the same be situated in *America*, or elsewhere, 19 George III. in such and the like Manner, and for any Term of Years not exceeding such and the same Term as and for which such Person is or shall be liable to be transported to any of his Majesty's Colonies and Plantations in *America* aforesaid; any Law, Statute, or Usage to the contrary notwithstanding. (1.)

When any Convict shall be ordered for Transportation as aforesaid, or any Offender, excluded from the Benefit of Clergy, &c. shall be in force.

II. And be it further enacted, That when any such Person who hath already been, or shall hereafter be so convicted, shall, in consequence thereof, be ordered to be transported to any Parts beyond the Seas, or if his Majesty, his Heirs and Successors, shall hereafter be graciously pleased to extend the Royal Mercy to any Offender convicted or attainted of any Felony by which he or she is excluded from the Benefit of Clergy, or of such Statutes as are equivalent thereto, upon the Condition of Transportation to any Parts beyond the Seas as aforesaid, then and in any such Cases all Laws, Statutes, Usages, and Customs now in force, with regard to the Transportation of Criminals to any of his Majesty's Colonies or Plantations in *America*, and their Punishment for being afterwards at large, within any Part of the Kingdom of *Great Britain*, before the Expiration of the several Terms for which they were ordered to be transported, or had agreed to transport themselves, and particularly the several Provisions contained in an Act, made in the fourth Year of King George the First, intituled, "An Act for the further preventing Robbery, Burglary, and other Felonies; and for the more effectual Transportation of Felons, and unlawful Exporters of Wool; and for declaring the Law upon some Points relating to Pirates;" and in one other Act, made in the sixth Year of King George the First, intituled, "An Act for the further preventing Robbery, Burglary, and other Felonies; and for the more effectual Transportation of Felons;" and in one other Act, made in the sixteenth Year of his late Majesty King George the Second, intituled, "An Act for the more easy and effectual Conviction of Offenders found at large, within the Kingdom of *Great Britain*, after they have been ordered for Transportation;" and in one other Act, made in the eighth Year of his present Majesty, intituled, "An Act for the more speedy and effectual Transportation of Offenders," shall take place, be in force, and enure, with regard to the Transportation of all such Offenders as aforesaid, to any Part or Parts beyond the Seas, and with regard to their Punishment for being afterwards at large in this Kingdom before the Expiration of their respective Terms, in like Manner as if the same had been repeated and specially inserted in this Act.

III. And whereas the Punishment of Burning in the Hand, when any Person is convicted of Felony within the Benefit of Clergy, is often disregarded, and ineffectual; and sometimes may fix a lasting Mark of Disgrace and Infamy on Offenders, who might otherwise become good

(1.) This and the next Section are continued by several Acts; and by Stat. 66 Geo. III. c. 27. p. 20, are continued to May, 1821.

Pt. V. Cl. XXV.—G.] *Criminal Proceedings.—Benefit of Clergy, &c.*

' Subjects, and profitable Members of the Commonwealth;' No. 25.
be it therefore enacted, That from and after the passing of 19 George III. c. 74.
this Act, when any Person shall, in any of the Courts before When any Person
mentioned, be lawfully convicted of any Felony within the son is liable to
Benefit of Clergy, for which he or she is liable by Law to be burnt in the
burned or marked in the Blawn of the left Thumb, it shall Hand, the
and may be lawful for the Court before which any Person shall stand, impose a
be so convicted, or any Court holden for the same Place with moderate Fine,
the like Authority, if such Court shall think fit, instead of such be whipped.
Burning or Marking, to impose upon such Offender such
a moderate pecuniary Fine as to the Court in its Discretion
shall seem meet; or otherwise it shall be lawful, instead of
such Burning or Marking, in any of the Cases aforesaid,
except in the Case of Manslaughter, to order and adjudge
that such Offender shall be once, or oftener, but not more than
three Times, either publickly or privately whipped, such
private Whipping to be inflicted in the Presence of not less
than two Persons, besides the Offender and the Officer who
inflicts the same; and in case of Female Offenders, in the
Presence of Females only; and such Fine or Whipping, so
imposed or inflicted, instead of such Burning or Marking,
shall have the like Effects and Consequences to the Party on
whom the same, or either of them, shall be so imposed or
inflicted, with respect to any Discharge from the same, or
other Felonies, or any Restitution to his or her Estates, Capa-
cities, and Credits, as if he or she had been burned or marked
as aforesaid. (2.)

IV. Provided always, and be it further enacted, That
nothing in this Act contained shall abridge or deprive any
of the said Courts of the Powers now vested in them by Law,
of detaining and keeping in Prison, for any Time not exceed-
ing one Year, or of committing to the House of Correction,
or publick Workhouse, to be kept to hard Labour for any
Time not less than six Months, or exceeding two Years, any
such Offender as aforesaid; but that such Offender may, if
such Court shall think fit, after such Burning or Marking, or
after such Whipping or Fine, as shall by virtue of this present
Act be inflicted or imposed instead thereof, be so detained or
committed, and with such accumulated Punishment, in case
of Escape from such House of Correction or Workhouse, as if
this Act had never been made.

LXV. And be it further enacted, That if any Person Punishment of
who shall be ordered to hard Labour in any of the Places of Persons who
Confinement to be appointed by virtue of this Act, instead of Prison, or
being capitally punished, shall, at any Time during the Term escape Custody.
for which he or she shall be so ordered to Confinement, break
Prison, or escape from the Place of his or her Confinement,
or in his or her Conveyance to such Place of Confinement, or
from the Person or Persons having the lawful Custody of such
Offender, he or she so breaking Prison or escaping, shall be

No. 25. guilty of Felony, without Benefit of Clergy; but in case he
 19 George III, or she so breaking Prison, or escaping, hath been ordered to
 c. 74. hard Labour instead of Transportation, he or she shall be
 punished by an Addition of three Years to the Term for which
 he or she, at the Time of his or her Breach of Prison, or
 Escape, was subject to be confined; and if such Person, so
 punished by such Addition to the Term of Confinement, shall
 afterwards be convicted of a second Escape, or Breach of
 Prison, he or she shall be adjudged guilty of Felony, without
 Benefit of Clergy. (4.)

If any Person
 shall rescue, or
 attempt to res-
 cue, any Offen-
 der ordered to
 hard Labour,
 &c.

every such Per-
 son shall be
 guilty of Felo-
 ny.

LXVI. And be it further enacted, That if any Person
 shall rescue any Offender, who by force of this Act, or any
 Part of it, shall be ordered to hard Labour, in any Place of
 Confinement appointed by virtue of this Act, either during the
 Time of his or her Conveyance to the Place appointed for such
 hard Labour, or whilst such Offender shall be in the Custody
 of the Person or Persons under whose Care and Charge he or
 she shall be so confined; or if any Person shall be aiding or
 assisting in any such Rescue; every such Person so rescuing,
 aiding, or assisting, shall be guilty of Felony, and may be
 ordered to hard Labour in any Place of Confinement appointed
 by virtue of this Act, for any Term not less than one, nor
 exceeding five Years: And if any Person having the Custody
 of any such Offender as aforesaid, or being employed by the
 Person having such Custody, as a Keeper, Under Keeper,
 Turnkey, Assistant, or Guard, shall voluntarily permit such
 Offender to escape; or if any Person whatsoever shall, by
 supplying Arms, Tools, or Instruments of Disguise, or other-
 wise, be in any Manner aiding and assisting to any such
 Offender in any Escape, or in any Attempt to make an
 Escape, though no Escape be actually made, or shall attempt
 to rescue any such Offender, or be aiding and assisting in any
 such Attempt, though no Rescue be actually made, every such
 Person so permitting, attempting, aiding, or assisting, shall
 be guilty of Felony; and if any Person having such Custody,
 or being so employed by the Person having such Custody as
 aforesaid, shall negligently permit any such Offender to escape,
 such Person so permitting shall be guilty of a Misdemeanor;
 and, being lawfully convicted of the same, shall be liable to
 Fine or Imprisonment, or to both, at the Discretion of the
 Court.

Trial and Con-
 viction of Of-
 fenders for
 making Escape,

LXVII. And, to the Intent that the Prosecutions for
 Escapes, Breaches of Prison, and Rescues, may be carried
 on with as Little Trouble and Expence as is possible; be it
 further enacted, That any Offender escaping, breaking Pri-
 son, or being rescued, in Manner aforesaid, may and shall
 be tried before the Justices of Oyer and Terminer, or Gaol
 Delivery, or at the Great Sessions for the County where he or
 she shall be apprehended and re-taken; and in case of any
 Prosecution for any such Escape, Attempt to Escape, Breach

(4.) This and the two following Sections are incorporated, by Reference,
 in Stat. 31 Geo. III, c. 46.

of Prison, or Rescue, either against the Offender escaping, or attempting to escape, or having broke Prison, or been rescued, or against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Copy, properly attested, of the Certificate herein-before directed to be given to the Sheriff or Gaoler by the Clerk of the Assize, or other Clerk for the Time being of the Court in which such Offender shall be convicted, and by such Sheriff or Gaoler to be delivered, together with the Offender, to such Governor or Superintendent as aforesaid, and by such Governor or Superintendent to be transmitted to the Clerk of the Peace, to be filed with the Records of the Sessions, shall, after Proof made that the Person then in question before the Court is the same that was delivered with such Certificate, be sufficient Evidence to the Court and Jury, not only of the Nature and Fact of the Conviction itself, and the Species of Confinement to which such Person was ordered, but also that the Person then in question is the same that was so convicted, and ordered to such Confinement.

No. 26.

- 24 George III. sess. 2. c. 56.—An Act for the effectual Transportation of Felons and other Offenders; and to authorise the Removal of Prisoners in certain Cases; and for other Purposes therein mentioned.*

* Repealed 56 Geo. III. c. 27, post; but note, that Act is only temporary.

No. 27.

- 25 George III. c. 46.—An Act for the more effectual Transportation of Felons, and other Offenders, in that Part of Great Britain called Scotland, and to authorise the Removal of Prisoners at certain Cases.

IV. AND be it enacted by the Authority aforesaid, That, No. 27.
 from and after the passing of this Act, it shall be 25 George III. lawful for his Majesty, from Time to Time, by an Order in c. 46.
 Writing, to be notified by one of his Principal Secretaries of State, or for any two or more of the Lords of Justice in Scotland, who shall be authorised by his Majesty, under his Sign Manual, to direct the Removal of any Male Offender or Offenders who now is or are, or hereafter shall be, under Sentence of Death, but reprieved during his Majesty's Pleasure, or under Sentence or Order of Transportation, in that Part of Great Britain called Scotland, and who, having been examined by an experienced Surgeon or Apothecary, shall any other in

No. 27. appear to be free from any putrid or infectious Distemper, and
25 George III. fit to be removed from the Gaol or Prison in which such
c. 46. Offender or Offenders shall be confined, to such Place of
Great Britain,
&c. Confinement within Great Britain, either at Land, or on
board any Ship or Vessel in the River Thames, or any naviga-
ble or other River, or within the Limits of any Port of Great
Britain, as his Majesty, or others legally authorised as aforesaid,
shall from Time to Time appoint; and every Offender,
who shall be so remov'd, shall continue in the said Place of
Confinement, or be remov'd to or confined in any other such
Place or Places as aforesaid, as his Majesty, or any others duly
authorised as aforesaid, from Time to Time shall appoint,
until such Offender shall be transported according to Law, or
by the Expiration of the Term of such Transportation, or
otherwise, shall be intitl'd to his Liberty, or until such Offender
be returned to the Gaol or Prison from which he shall
have been so remov'd; and the Sheriff, Magistrate, or Gaoler,
having the Custody of any Offender, whose Removal shall be
ordered in Manner aforesaid, shall, with all convenient Speed,
after the Receipt of the Notification of any such Order, con-
vey, or cause to be conveyed, every such Offender to the
Place appointed, and there deliver him, together with a
Certificate, containing his Christian Name, Surname, and
Age, and also the Offence for which, and the Court in which
he was convicted, and the Purport of his or her Sentence, to
the Overseer or Oversers of the said Place to which such
Offender is so sent, who shall give a proper Receipt, in
Writing, to the Sheriff, Magistrate, or Gaoler, for his Exoner-
ation. (1.)

Gaoler to de-
liver Offenders
according to
such Orders,
with a proper
Certificate.

(1.) This Section is extended by Stat. 56 Geo. III. c. 27. post.

No. 28.

30 George III. c. 47.—An Act for enabling his Majesty
to authorize his Governor or Lieutenant Governor of
such Places beyond the Seas, to which Felons or
other Offenders may be transported, to remit the
Sentences of such Offenders.

No.
30 George III. c. 47.
Preamble.
24 Geo. 3. c. 56.

WHEREAS by several Orders made by his Majesty, by
and with the Advice of his Privy Council in pursu-
ance of Authority given to his Majesty in that Behalf, by an
Act passed in the twenty-fourth Year of his Majesty's Reign,
intituled, "An Act for the effectual Transportation of Fe-
lons and other Offenders; and to authorize the Removal of
Prisoners in certain Cases, and for other Purposes therein
mention'd;" his Majesty hath declared and appointed, by
and with the Advice aforesaid, That the Eastern Coast of
New South Wales, and the Islands thereunto adjacent, should
be the Place or Places beyond Sea to which certain Felons
and other Offenders, should be conveyed and transported:

And whereas several Felons and other Offenders have, in pursuance of the said Act, been conveyed and transported to the Eastern Coast of New South Wales, or the Islands thereunto adjacent, there to remain during the Terms or Times for which they were so respectively sentenced to be transported by the Courts in which they were convicted: And whereas his Majesty, by and with the Advice of his Privy Council, may hereafter declare and appoint the Place or Places aforesaid, or some other Place or Places beyond Sea, to be the Place or Places to which other Felons and Offenders shall hereafter be conveyed and transported; and such Felons and Offenders may be so transported accordingly: And whereas it would greatly advance the Design of such Sentences, so carried into Execution as aforesaid, or which may hereafter be passed and carried into Execution, that the Governor, or (in case of his Death or Absence) the Lieutenant Governor for the Time being of such the Place or Places as aforesaid, should have Power and Authority to remit or shorten the Time or Term for which such Felons and Offenders as aforesaid have been or shall hereafter be transported, in Cases where it shall appear that such Felons, or other Offenders are proper objects of the Royal Mercy: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for his Majesty, his Heirs and Successors, at all Times, under the Great Seal, may authorise the Governor, or Lieutenant Governor for the Time being, of such Place or Places as aforesaid, or of any of them, by an Instrument in Writing, under the Seal of the Government in which the Place or Places as aforesaid are or shall be situated, to remit, either absolutely or conditionally, the Whole or any Part of the Time or Term for which any such Felons, or other Offenders aforesaid, shall have been or shall hereafter be respectively conveyed and transported to such Place or Places as aforesaid; and that such Instrument or Instruments shall have the like Force and Effect, to all Intents and Purposes, as if his Majesty, his Heirs and Successors, had in such Cases respectively signified his or their Royal Intention of Mercy under his or their Sign Manual.

II. And be it further enacted, That such Governor or Lieutenant Governor as aforesaid shall, by the first Opportunity, transmit to one of his Majesty's Principal Secretaries of State, a Duplicate, under the Seal of the Government, of each and every Instrument as aforesaid by which the Time or Term of Transportation of any such Felons, or other Offenders as aforesaid, hath been remitted or shortened; and that the Names of such Felons, and other Offenders respectively, which shall be contained in such Duplicates as aforesaid, shall be inserted in the next General Pardon which shall pass under the Great

Duplicates of Instruments remitting Sentences, to be transmitted to the Secretary of State, &c.

No. 28. Seal of Great Britain, after the Receipt of such Duplicate or
30 George III. Duplicates by one of his Majesty's Principal Secretaries of
c. 47. State.

No. 29.

31 George III. c. 46.—An Act for the better regulating
of Gaols, and other Places of Confinement.

[See Part VI. Cl. XXI. No. 26.]

No. 30.

34 George III. c. 84. An Act for erecting a Peniten-
tiary House or Houses for confining and employing
Convicts.—[7th. July 1794.]

No. 31.

39 George III. c. 45.—An Act for making perpetual so
much of an Act made in the nineteenth Year of the
Reign of his present Majesty, chapter seventy-four,
videlicet, on the twenty-sixth Day of November one
thousand seven hundred and seventy-eight, intituled,
“An Act to explain and amend the Laws relating to
the Transportation, Imprisonment, and other Punish-
ment of certain Offenders,” as relates to the Punish-
ment of burning in the Hand of certain Persons
convicted of Felony within the Benefit of Clergy.—
[20th. May 1799.]

No. 32.

43 George III. c. 15.—An Act to facilitate, and render
more easy, the Transportation of Offenders.—[29th.
December 1802.]

No. 33.

- 52 George III. c. 44.—An Act for the Erection of a Penitentiary House for the Confinement of Offenders convicted within the City of *London* and County of *Middlesex*; and for making Compensation to *Jeremy Bentham* Esquire, for the Non-performance of an Agreement between the said *Jeremy Bentham* and the Lords Commissioners of His Majesty's Treasury, respecting the Custody and Maintenance of Convicts.—[20th. April 1812.]*

* This Act provided for the Erection of a Penitentiary House at Millbank, for the Purpose of confining Offenders only convicted in London and Middlesex.—The Penitentiary House being completed, it is, by Stat. 56 Geo. III. c. 63. post, made applicable to the Kingdom at large.

No. 34.

- 53 George III. c. 162.—An Act to repeal a certain Provision respecting Persons convicted of Felony without Benefit of Clergy, contained in an Act made in the fifty-second Year of the Reign of his present Majesty, for the Erection of a Penitentiary House for the Confinement of Persons convicted within the City of *London* and County of *Middlesex*, and for making other Provisions in lieu thereof.—[22d. July 1813.]

WHEREAS it is necessary that so much of a certain Act, made in the fifty-second Year of the Reign of his present Majesty King George the Third, intituled, "An Act for the Erection of a Penitentiary House for the Confinement of Offenders convicted within the City of *London* and County of *Middlesex*; and for making Compensation to *Jeremy Bentham* Esquire, for the Non-performance of an Agreement between the said *Jeremy Bentham* and the Lords Commissioners of his Majesty's Treasury, respecting the Custody and Maintenance of Convicts," as enacts, That in all cases where any Court or Courts shall think fit to sentence any Person or Persons, convicted before such Court or Courts of Felony without Benefit of Clergy, to Imprisonment as or for the Punishment, or Part of the Punishment for such Offence, such Court or Courts may, if they shall think fit so to do, moreover direct that the Person or Persons so convicted shall during such Imprisonment be kept to Hard Labour, should be repealed, and that other Provisions in lieu thereof should be made in respect to the Sentences of Persons convicted before such Court or Courts of Felony with Benefit of Clergy; May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent

No. 34.
53 George III.
c. 162.
52 G. 3. c. 44.

§ 47.

No. 34. Majesty, and by and with the Advice and Consent of the
 52 George III. Lords Spiritual and Temporal, and Commons, in this present
 c. 162. Parliament assembled, and by the Authority of the same, That
 repealed. so much of the said Act as enacts, 'That in all cases where
 any Court or Courts shall think fit to sentence any Person or
 Persons, convicted before such Court or Courts, of Felony
 without Benefit of Clergy, to Imprisonment as or for the
 Punishment, or Part of the Punishment for such Offence, such
 Court or Courts may, if they shall think fit so to do, moreover
 direct that the Person or Persons so convicted shall during
 such Imprisonment be kept to Hard Labour,' shall be and the
 Felony, Grand and *Petit Larceny.* same is hereby repealed; and that, from and after the passing
 of this Act, it shall and may be lawful for any Court to pass
 upon any Person, who shall be lawfully convicted before any
 such Court of Felony, with Benefit of Clergy, or of any Grand
 Larceny or of any Petit Larceny, the Sentence of Imprison-
 ment to Hard Labour, either simply and alone, or in addition
 to any other Sentence which such Court may or shall be au-
 thorised by Law to pass upon any Person lawfully convicted
 of any of the Offences aforesaid, as to such Court shall seem
 fit; and such Person shall thereupon suffer such other Sentence,
 and be moreover imprisoned and kept to Hard Labour, or be
 simply imprisoned and kept to Hard Labour, in such Place
 and for such Time as such Court shall think fit to direct, not
 exceeding the Time for which such Courts may now imprison
 for such Offences.

Punishment.

No. 35.

D. 56 George III. c. 27.—An Act to amend several Laws
 relative to the Transportation of Offenders; to con-
 tinue in Force until the first day of *May* one thou-
 sand eight hundred and twenty-one.—[30th. *April*
 1816.]

No. 35. WHEREAS an Act passed in the last Session of Parlia-
 56 George III. ment, intituled "An Act to amend the Laws relative
 c. 27. to the Transportation of Offenders, to continue in Force
 55 G. 3. c. 156. until the first Day of May one thousand eight hundred and
 sixteen;" And whereas it is expedient that the Regulations
 19 G. 3. c. 74. and Provisions of the said Act, and that certain of the
 25 G. 3. c. 46. Provisions of two several Acts, passed in the nineteenth and
 55 G. 3. c. 156. twenty-fifth Years respectively of the Reign of his present
 § 1. so far as relates to Repeal of 24 G. 3. c. 56. continuing, Majesty, relating to the Transportation and Removal of
 Offenders, should be continued: Be it therefore enacted by
 the King's most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the
 Authority of the same, That the said recited Act of the last
 Session of Parliament shall be and the same is hereby contin-
 ued, so far as relates to the Repeal of the said therein recited

Act of the twenty-fourth Year of his present Majesty, intituled No. 35.
" An Act for the effectual Transportation of Felons and other ^{56 George II.} Offenders, and to authorize the Removal of Prisoners in cer-^{c 27.}tain cases, and for other Purposes therein mentioned."

[II. Provisions of 21 G. 3. c. 56, valid in relation to Proceedings commenced before Act of last Session.]

III. And be it further enacted, That from and after the Persons con-
passing of this Act, it shall be lawful for the Court before which any Person or Persons shall have been or shall be con-
victed, at any Session of Oyer and Terminer or Gaol De-
livery, or at any Quarter or other General Session of the Peace to be holden for any County, Riding, Division, City,
Town, Borough, Liberty or Place, within that Part of Great
Britain called England, or at any Great Sessions to be holden
for the County Palatine of Chester, or within the Principality of
Wales, of Grand or Petit Larceny, or any other Offence for
which such Person or Persons shall have been or be subject to
be transported, to order and adjudge, or any subsequent Court
holden at any Place for the same County, Riding, Division,
City, Town, Borough, Liberty or Place respectively, with
like Authority to order and adjudge, that such Person or Per-
sons so convicted as aforesaid, shall be transported beyond the
Seas for any Term not exceeding the Number of Years or
Term for which such Person or Persons is or are or shall be
liable by any Law to be transported; and in every such case His Majesty
it shall and may be lawful for his Majesty, by and with the ^{may appoint} Advice of his Privy Council, to declare and appoint any other
Place or Places, Part or Parts beyond the Seas, in addition to
such as shall have been heretofore declared and appointed by
his Majesty for that Purpose, either within his Majesty's
Dominions, or elsewhere out of his Majesty's Dominions,
to which any such Felons or other Offenders shall be conveyed
or transported; and such Court as aforesaid is hereby auth-
orized and required to order such Offenders to be transferred to
the Use of any Person or Persons, and his or their Assigns,
who shall contract for the due Performance of such Transporta-
tion; and when his Majesty, his Heirs or Successors, shall
be pleased to extend Mercy to any Offender or Offenders,
who hath or have been or shall be convicted of any Crime
or Crimes for which he, she or they is, are or shall be by Law
excluded from the Benefit of Clergy, upon Condition of
Transportation to any Place or Places, Part or Parts beyond
the Seas, either for a Term of Life, or any Number of Years,
and such Intention of Mercy shall be signified by one of his Ma-
jesty's Principal Secretaries of State, it shall be lawful for any
Court, having proper Authority, to allow such Offender or Offen-
ders the Benefit of a conditional Pardon, and to order such Of-
fender or Offenders to be transported for such Term of Life or
Years as shall be specified in such Condition of Transportation
as aforesaid, and to make such Order of Transfer as aforesaid;
and when any Offender or Offender hath or have been or shall
be convicted of any Crime or Crimes for which he, she or

On intention of
Mercy signified,

No. 35. they is or are by Law excluded the Benefit of Clergy, the
 56 George III. Judge before whom such Offender or Offenders shall be con-
 c. 27.
 Judge may
 make Order for
 immediate
 Transportation.

victed, or any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, of the Degree of the Coif, in case the said Offender or Offenders shall have been tried in any Court of Oyer and Terminer or Gaol Delivery in *England*, or any Justice of *Chester* or *Wales*, in case the said Offender or Offenders shall be tried and convicted within any of their respective Jurisdictions, shall, on such Intention of Mercy as aforesaid being signified to him by one of the said Principal Secretaries of State, make an Order for the immediate Transportation of such Offender or Offenders, and for such Offender or Offenders to be transferred as aforesaid, in the same Manner as if such Intention of Mercy had been signified by one of the said Principal Secretaries of State during the Continuance of the Assizes or Sessions at which such Offender or Offenders was or were condemned; and such Order shall be considered as an Order made at such Assizes or Sessions as aforesaid, and shall be as effectual, and have all the same Consequences as any Order for the Transportation of any Offender or Offenders made by any Justice of Oyer and Terminer, Great Session, or Gaol Delivery for any County, City, Liberty, Borough or Place, during the Continuance of the Assizes or Sessions; and such Person or Persons so contracting as aforesaid, his or their Assigns, by Virtue of such Order of Transfer as aforesaid, shall have a Property in the Service of such Offender or Offenders, for such Term of Life or Years for which such Offender or Offenders shall have been ordered to be transported.

Contractor to
 have Property
 in Service of
 Offender.

[IV. Fee to Clerks of Assize, &c., same as heretofore.]

[V. Persons undertaking to transport Offenders, to give proper Security.]

[VI. Court may appoint Justices to contract for Transportation of Offenders, on Security by Bond. Securities to be certified by Justices to the next Court, and kept amongst the Records. Charge of Contract paid by Order of Quarter Sessions.]

Persons con-
 tracting to
 transport Offen-
 ders, may carry
 them through
 any County to
 Seaport.

VII. And be it further enacted, That the Person or Persons so contracting as aforesaid, and to whom any Offender or Offenders shall be delivered in order to be transported, or any Person or Persons directed by the said Justices (empowered to contract as aforesaid) or their Assigns, may, in such Manner as they shall think fit, carry and secure the said Offenders in and through any County of *Great Britain*, towards the Seaport or Place from whence they are to be transported; and if any Person or Persons shall rescue such Offenders or any of them, or assist them or any of them in making their Escape from such Person or Persons as, shall have them in their Custody as aforesaid, he, she or they shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Escape.

Death:

Person found at
 large before the
 Expiration of
 his Sentence.

VIII. And be it further enacted, That if any Offender or Offender who shall have been or shall be so ordered by any such Court as aforesaid to be transported, or who shall have

agreed or shall agree to transport himself or herself on certain Conditions, either for Life or any Number of Years, under the Provisions of the said recited Act of the twenty-fourth Year aforesaid, or of the said recited Act of the last Session of Parliament, or any other Act or Acts of Parliament, to any such Place or Places, Part or Parts as shall have been or shall be appointed by his Majesty in Manner aforesaid, shall be afterwards at large within any Part of the United Kingdom of *Great Britain* and *Ireland*, without some lawful Cause, before the Expiration of the Term for which such Offender or Offenders shall have been ordered to be transported, or shall have so agreed to transport himself or herself as aforesaid, every such Offender being at large as aforesaid, being thereof lawfully convicted, shall suffer Death as in Cases of Felony, Death, without Benefit of Clergy; and such Offender or Offenders where may be tried either before the Justices of Assize, Oyer and Terminer, Great Sessions or Gaol Delivery, for the County, City, Liberty, Borough or Place where such Offender or Offenders shall be apprehended and taken, or from whence he, she or they were ordered to be transported; and the Clerk of the Assize, Clerk of the Peace, or other Officer or Clerk of the Court having the Custody of the Records where such Order of Transportation shall be made, shall, at the Request of the Prosecutor, or any other Person on his Majesty's Behalf, make out and give a Certificate in Writing signed by him, containing the Effect and Substance only (omitting the Informal Part) of every Indictment and Conviction of such Offender or Offenders, and of the Order for his or her Transportation, to the Justices of Assize, Oyer and Terminer, Great Sessions or Gaol Delivery, where such Offender or Offenders shall be indicted (not taking for the same more than six Shillings and Eight-pence) which Certificate shall be sufficient Proof of the Conviction and Order for the Transportation of such Offender or Offenders; and whoever shall discover and prosecute to Conviction any such Offender or Offenders so being at large as aforesaid, shall be entitled to a Reward of Twenty Pounds for every such Offender so convicted, and shall have such Certificate to receive the same as any Person or Persons may be entitled unto for the apprehending and prosecuting to Conviction Persons who have committed any Robbery upon the Highway: Provided nevertheless, that his Majesty, his Heirs and Successors, may pardon and dispense with such Transportation, and allow of the Return of any such Offender or Offenders to this Kingdom.

IX. And be it further enacted, That from and after the passing of this Act, it shall be lawful for his Majesty, from Time to Time, by an Order in Writing to be notified by one of the said Principal Secretaries of State, or for any three or more of such of his Majesty's Justices of the Peace acting in and for the County, Riding, Division, City, Borough, Liberty or Place in which any Gaol shall be situated, as shall be authorized by his Majesty under his Sign Manual, to direct the Re-

No. 35.
56 George III.
c. 27.

Certificate containing Substance of Indictment.

Reward on Conviction.

Proviso for Pardon.

No. 35. lawfully convicted, shall suffer Death as in Cases of Felony, § 6 George III. without Benefit of Clergy, and shall be tried before such c. 27. Judges, and in such Manner, and the same Evidence made use of for his or her Conviction, as is or shall be directed by the Laws now in being or hereafter to be made for the Trial of other Offenders, who shall be at large within this Kingdom before the Expiration of the Term for which they were ordered to be transported; and whoever shall discover and prosecute to Conviction any such Offender so being at large within this Kingdom as aforesaid, shall be entitled to a Reward of twenty Pounds for every such Offender so convicted, and shall have such Certificate to receive the same, as any Person may be entitled to for the apprehending and prosecuting to Conviction Persons who have committed any Robbery upon the Highway.

Reward on Conviction.

[XVII. Account of Expences laid before Parliament.]

[XVIII. General Issue.—Treble Costs.]

[XIX. Limitation of Actions, six Calendar Months.]

19 G. 3. c. 74. § 1. 2. XX. And be it further enacted, That so much of an Act passed in the nineteenth Year of the Reign of his present Majesty, intituled "An Act to explain and amend the Laws relating to Transportation, Imprisonment and other Punishment of certain Offenders," as relates to Transportation beyond Seas, and so much of an Act passed in the twenty-fifth Year of the Reign of his present Majesty, intituled "An Act for the more effectual Transportation of Felons and other Offenders in that Part of Great Britain called Scotland, and to authorize the Removal of Prisoners in certain Cases," as authorizes the Removal of Offenders to temporary Places of Confinement, which were continued by subsequent Acts of the twenty-eighth, thirty-fourth, thirty-ninth, forty-second, forty-sixth, fifty-third and fifty-fourth Years respectively of the Reign of his present Majesty, until the twenty-fifth Day of March one thousand eight hundred and fifteen, and until the End of the then next Session of Parliament, shall be and the same is hereby continued for the Term hereinafter mentioned.

25 G. 3. c. 46. § 4. XXI. And be it further enacted, that this Act shall continue and be in Force until the first Day of May one thousand eight hundred and twenty-one, and no longer.

Continuance of Act.

No. 36.

56 George III. c. 63.—An Act to regulate the General Penitentiary for Convicts, at Millbank, in the County of Middlesex.—[22d. June 1816.]

No. 36. § 6 George III. c. 63. WHEREAS under and by virtue of an Act passed in the fifty-second Year of his present Majesty, for the Erection of a Penitentiary House for the Confinement of Offenders convicted within the City of London and County of Middlesex, and which Act, by the Provisions thereof, was

12 G. 3. c. 44.

extended also to Offenders convicted in other Parts of England and Wales, a Penitentiary has been erected at Millbank, in the County of Middlesex, for the Confinement and Employment of Male and Female Convicts; and the same is now completed for the Reception of a Part of the Number intended to be confined therein: And whereas under and by virtue of the Powers contained in the said Act, his Majesty in Council has been pleased to appoint a Committee to superintend the said Penitentiary: And whereas the Number of Convicts who may be confined in the said Penitentiary may conveniently be increased, without any Enlargement of the Building; and it is therefore expedient that Provision should be made for that Purpose: And whereas it is also expedient that other and further Provisions should be made, for the due Regulation of the said Penitentiary; and of the Convicts to be confined therein; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions in the said Act contained, so far as they relate to the Number of Convicts who may be confined in the said Penitentiary, and to the Confinement, Employment and Management of the Convicts in the said Penitentiary, and the Establishment and Duties of Officers belonging to the same, shall be and the same are hereby repealed.

[II. Supervisors may make Accommodation for 400 Male and 400 Female Convicts, who may be confined in the said Penitentiary at the same Time.]

[III. Committee to remain until another is appointed.]

[IV. Committee to make Bye Laws, Rules, &c.]

[V. Appointment of Visitors.]

[VI. Appointment of Officers, &c.]

[VII. Committee may vary the Number of Officers.]

[VIII. Committee may require Security from any Officer, &c. and in case of any Officer, &c. refusing to quit Possession, a Justice for the County Middlesex may by Warrant direct Sheriff to remove him.]

[IX. Governor to be a Body Corporate.]

[X. Governor empowered to contract for Clothing, Diet, &c. necessary for the Convicts, with the Approbation of the Committee.]

[XI. Committee to direct how Books shall be kept, &c.]

[XII. Committee may examine Officers and Servants, &c. upon Oath, and may dismiss and prosecute for Fraud or Collusion.]

[XIII. Committee to certify to the Principal Secretary of State for the Home Department, when Penitentiary shall be fit for the Reception of Convicts.]

XIV. Provided always and be it further enacted, That in Regulations as case any Convict shall be removed to the said Penitentiary, to the Time of who, having been under Sentence or Order of Transportation for the Term of seven Years, shall previously to his or her being removed to the said Penitentiary, have been kept confined in some other Gaol or Prison, during a Part of such the Penitentiary.

No. 36.
§ 6 George III.
c. 63.

Certain Pro-
visions of re-
cited Act re-
pealed.

No. 36. Term, such Convict shall be confined in the said Penitentiary under this Act, for five seventh Parts of the Residue of his or her Term of seven Years Transportation, remaining unexpired, when he or she shall be received into the said Penitentiary; excluding nevertheless from the Computation of such reduced Period of Confinement, any fractional Part of a Week which may result from such Reduction; and in Case any Convict shall be removed to the said Penitentiary, who, having been under Sentence or Order of Transportation for the Term of fourteen Years, shall, previously to his or her being so removed, have been kept confined in some other Gaol or Prison, during a Part of such Term, such Convict shall be confined in the said Penitentiary under this Act for one Half of the Residue of his or her Term of fourteen Years Transportation remaining unexpired, when he or she shall be received into the said Penitentiary; excluding nevertheless from the Computation of such reduced Period of Confinement any fractional Part of a Day which may result from such Reduction; and in the case of any Convict who, having been under Sentence or Order of Transportation for Life, shall be removed to the said Penitentiary for the Term of Ten Years as aforesaid, such Term of ten Years shall be computed from the Time of his or her being received into the said Penitentiary.

[XV. Sheriffs or Gaolers to deliver Convicts to the Penitentiary without Delay.]

[XVI. Expences of such Removal to be paid by the County, &c.]

[XVII. Governor to have the same Power over Convicts in his Custody as a Sheriff or Gaoler.]

[XVIII. Insane Convicts may be removed from and returned to Penitentiary after Recovery, as in Cases of other Prisoners in Gaols.]

[XIX. Convicts, when brought, to be separately lodged and washed, and examined by the Surgeon.—When discharged to be furnished with decent Clothing—Allowances.]

[XX. Keeping Convicts to Labour.]

[XXI. Convicts how to be lodged.]

[XXII. Hours of Work.]

[XXIII. Granting Rewards.]

[XXIV. Dividing Convicts into Classes.]

[XXV. Committee to report Convicts, who shall manifest extraordinary Diligence.]

[XXVI. How the Convicts shall be fed and clothed.]

[XXVII. None but Officers to enter any of the Apartments.]

[XXVIII. Governor may employ Convicts as Servants.]

[XXIX. Punishing Officers or Servants supplying any Convict with Money, Provisions, or Liquor, contrary to this Act.]

[XXX. Chaplain to read Morning and Evening Prayers, and preach two Sermons on Sundays, &c.]

[XXXI. Chaplain may baptize and bury in the Penitentiary, and shall keep Registers and transmit Copy monthly to the Incumbent of the Parish, who is to enter the same in Register, and may have Allowance for so doing.]

[XXXII. Convicts to walk and air themselves.]

[XXXIII. Convicts, when sick, to be visited by the Surgeon; and if necessary, be sent to the Infirmary.] No. 36.
56 George III.

[XXXIV. Committee to examine into the State of the Penitentiary, and inspect the Accounts.] 63.

[XXXV. Governor empowered to hear Complaints.]

[XXXVI. Notorious Offenders to be confined by the Governor, and reported to the Committee.]

[XXXVII. Committee may administer Oaths.]

[XXXVIII. Governor to keep regular Books, and Returns to be made thereto.]

[XXXIX. Reports to be laid before the King in Council, and both Houses of Parliament.]

[XL. Bye Laws, Rules, &c. to be reported to the King in Council, and to both Houses of Parliament.]

[XLI. Penitentiary to be exempt from Public and Parochial Taxes.]

XLII. And be it further enacted, That an Account of the Expenses of carrying this Act into Execution shall be annually laid before the House of Commons, and after deducting therefrom such Profit as may have arisen from the Earnings of the Convicts, over and above the Expenses occasioned by their Labour, and any Allowances which shall have been made to such Convicts, or to the Officers superintending such Labour, by Order of the Committee, the Remainder shall be provided for in the next Supplies to be granted to his Majesty by Parliament.

XLIII. And be it further enacted, That if any Convict who shall be ordered to be confined in the said Penitentiary shall at any Time during the Term of such Confinement break Prison, or escape from the Place of his or her Confinement, or in his or her Conveyance to such Place of Confinement, or from the Person or Persons having the lawful Custody of such Convict, he or she so breaking Prison or escaping shall be punished by an Addition of three Years to the Term for which he or she at the Time of his or her Breach of Prison or Escape was subject to be confined; and if such Convict so punished by such Addition to the Term of Confinement shall afterwards be convicted of a second Escape or Breach of Prison, he or she shall be adjudged guilty of Felony, without Benefit of Clergy.

XLIV. And be it further enacted, That if any Person shall rescue any Convict who shall be ordered to be confined within the said Penitentiary, either during the Time of his or her Conveyance to the said Penitentiary, or whilst such Convict shall be in the Custody of the Person or Persons under whose Care and Charge he or she shall be so confined; or if any Person shall be aiding or assisting in any such Rescue, every such Person so rescuing, aiding, or assisting, shall be guilty of Felony, and may be ordered to be confined in the said Penitentiary for any Term not less than one Year, nor exceeding five Years; and if any Person having the Custody of any such Convict as aforesaid, or being employed by the Person having such Custody as a Keeper, Underkeeper, Turnkey, Assistant,

No. 36. or Guard, shall voluntarily permit such Convict to escape; or
56 George III. if any Person whatsoever shall, by supplying Arms, Tools, or
c. 63. Instruments of Disguise, or otherwise be in any Manner aiding
and assisting to any such Convict in any Escape, or in any
Attempt to make an Escape, though no Escape be actually
made, or shall attempt to rescue any such Convict, or be aiding
and assisting in any such Attempt, though no Rescue be
actually made, every such Person so permitting, attempting,
aiding, or assisting, shall be guilty of Felony; and if any Person
having such Custody, or being so employed by the Person
having such Custody as aforesaid, shall negligently permit
any such Convict to escape, such Person so permitting shall be
guilty of a Misdemeanor, and being lawfully convicted of the
same, shall be liable to Fine and Imprisonment, or to both, at
the Discretion of the Court.

Mode of Trial and Conviction. XLV. And to the Intent that the Prosecution for Escapes,
Breaches of Prison, and Rescues, may be carried on with as
little Trouble and Expence as possible, be it further enacted,
That any Convict escaping, breaking Prison, or being rescued
in Manner aforesaid, may and shall be tried before the Justices of Oyer and Terminer or Goal Delivery, or at the Great
Sessions, either for the County where he or she shall be apprehended and retaken, or for the County in which the said
Offence shall have been committed; and in Case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescue, either against the Convict escaping or attempting to escape, or having broken Prison, or being rescued, or
against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Copy properly attested, of the Order of Commitment to such Penitentiary shall, after Proof made that the Person then in Question before the Court is the same that was delivered with such Order, be sufficient Evidence to the Court and Jury that the Person then in Question was so ordered to such Confinement.

[XLVI. The Committee or Visitors may direct any Person not being Officers, Servants, or Convicts, to quit the Penitentiary.]

[XLVII. Other Acts relating to Gaols, &c. not to apply to the Penitentiary.]

[XLVIII. Recovery of Penalties.]

[XLIX. General Issue to be pleaded.—Treble Costs.]

[L. Limitation of Actions.]

[LI. Act may be altered this Session.]

(H)

JUDGMENTS IN CASES NOT INCLUDED IN
THE LAST DIVISION.

No. 1.

9 Henry III. (Magna Charta) c. 14.—How men of all Sorts shall be amerced, and by whom.

No. 2.

51 Henry III. stat. 6.—A Statute of the Pillory and Tumbrel, and of the Assize of Bread and Ale.

No. 3.

36 Edward III. stat. 1. c. 14.—The Fines and Amerciaments of Labourers, Artificers, and Servants, shall be to the Use of the Commons and distributed among them, during three Years.

No. 4.

30 George III. c. 48.—An Act for discontinuing the Judgment which has been required by Law to be given against Women convicted of certain Crimes, and substituting another Judgment in lieu thereof.

[See Class II, No. 50.]

No. 5.

56 George III. c. 138.—An Act to abolish the Punishment of the Pillory, except in certain Cases.—[2d. July, 1816.]

WHEREAS the Punishment of the Pillory has in many Cases been found inexpedient and not fully to answer the Purpose for which it was intended; Be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

No. 5.
§ 6. George III.
c. 138.

No. 5. the Authority of the same, That from and after the passing of
 56 George III. c. 138. this Act Judgment shall not be given and awarded against any Person or Persons convicted of any Offence, that such Person or Persons do stand in or upon the Pillory, except for the Offences hereinafter mentioned; any Law, Statute or Usage to the contrary notwithstanding: Provided that all Laws now in force whereby any Person is subject to Punishment for the taking any false Oath, or for committing any Manner of wilful and corrupt Perjury, or for the procuring or suborning any other Person so to do, or for wilfully, falsely and corruptly affirming or declaring, or procuring or suborning any other Person so to affirm and declare, in any Matter or Thing, which if the same had been deposited in the usual Form would have amounted to wilful and corrupt Perjury, shall continue and be in full Force and Effect; and that all Persons guilty of any of the said several Offences shall incur and suffer the same Punishment, Penalties and Forfeitures as such Persons were subject to by the Laws and Statutes of this Realm, or any of them, before the passing of this Act, and as if this Act had not been made.

Court may fine or imprison Offenders:

II. And be it further enacted, that in all Cases where the Punishment of the Pillory has hitherto formed the Whole or a Part of the Judgment to be pronounced, it shall and may be lawful for the Court before whom such Offence is tried, to pass such Sentence of Fine or Imprisonment, or of both, in lieu of the Sentence of Pillory, as to the said Court shall seem most proper: Provided that nothing herein contained shall extend or be construed to extend in any Manner to change, alter or affect any Punishment whatsoever which may now be by Law inflicted in respect of any Offence, except only the Punishment of Pillory, in Manner as herein above is enacted.

Not to change any Punishment for Offences, except the Pillory.

No. 6.

57 George III. c. 75.—An Act to abolish the Punishment of Public Whipping on Female Offenders.—
 [7th. July 1817.]

No. 6.
 57 George III. c. 75.

Judgment of Whipping shall not be awarded on Females;

but Imprisonment.

WHEREAS the Punishment of Public Whipping of Female Offenders has been found inexpedient; be it therefore enacted by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act Judgment shall not be given and awarded against any Female or Females convicted of any Offence that such Female Offender or Offenders do suffer the Punishment of being publicly whipped; any Law, Statute, or Usage to the contrary notwithstanding.

II. And be it further enacted, That in all Cases where the Punishment of Public Whipping on Female Offenders has hitherto formed the Whole or Part of the Judgment to be pronounced, it shall and may be lawful for the Court before

whom any such Offender shall be tried, to pass such Sentence No. 6.
of Confinement to Hard Labour in the Common Gaol ^{or} George III.
or House of Correction, in lieu of the Sentence of being
publicly whipped, as to the said Court shall seem most proper:
Provided, that nothing herein contained shall extend or be
construed to extend in any Manner to change, alter, or affect
any Punishment whatsoever, which may now be by Law
inflicted in respect of any Offence, except only the Punish-
ment of Public Whipping on Female Offenders, in Manner as
herein above is enacted.

c. 75.

(I)

FORFEITURE, CORRUPTION OF BLOOD, &c.*

* See St. 1 Ed. VI. c. 12. (ante, Class II. No. 18.) § 17.; 5 and 6 Ed.
VI. c. 11. (same Class, No. 20.) § 9, 13.

No. 1.

9 Henry III. (Magna Charta) c. 22.—How long Felons'
Lands shall be holden by the King.

Ex Rot. in Turri. Lond.

NO^S non tenebimus terras illorum qui convicti fuerint de felonie nisi per unum annum & unum diem & tunc reddantur tecre ille dominis feodorum. **W**E will not hold the Lands of them that be convict of Felony but one Year and one Day, and then those Lands shall be delivered to the Lords of the Fee.

No. 1.
9 Henry III;
c. 12.

No. 2.

17 Edward II. c. 16.—The King's Prerogative in having
the Lands of Felons attainted.

[Inserted Pt. II. Cl. XII. No. 4.]

No. 3.

31 Edward III. stat 1. c. 6.—The Lords of Franchises
shall have the Fines of Labourers and Servants, &c.
forfeited.

No. 4.

34 Edward III. c. 12.—There shall be no Forfeiture of
Lands for Treason of dead Persons not attainted.

No. 5.

22 and 23 Charles II. c. 22.—An Act for the better and more certain Recovery of Fines and Forfeitures due to his Majesty.

[Inserted Pt. IV. Cl. XXIII. No. 16.]

No. 6.

4 and 5 William and Mary, c. 22.—An Act for regulating Proceedings in the Crown Office in the Court of King's Bench at Westminster.

[See *supra*, C. No. 14.]

No. 7.

54 George III. c. 145.—An Act to take away Corruption of Blood save in certain Cases.—[27th. July 1814.]

No. 7.
54 George III.
c. 145.

Attainer except for High Treason, &c.
not to extend to disinherit any Heir, &c.

WHÈREAS it is expedient to make such Provisions by Law as are hereinafter contained; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Attainer for Felony which shall take place from and after the passing of this Act, save and except in cases of the Crime of High Treason, or of the Crimes of Petit Treason or Murder, or of abetting, procuring or counselling the same, shall extend to the dis-inheriting of any Heir, nor to the Prejudice of the Right or Title of any Person or Persons other than the Right or Title of the Offender or Offenders during his, her or their natural Lives only; and that it shall be lawful to every Person or Persons, to whom the Right or Interest of any Lands, Tenements or Hereditaments, after the Death of any such Offender or Offenders should or might have appertained if no such Attainer had been, to enter into the same.

(K)

PARDON.

No. 1.

2 Edward III. c. 2.—In what Cases only Pardon of Felony shall be granted. Who shall be Justices of Assize, &c.

No. 2.

- 10 Edward III. st. 1. c. 2.—Pardons shall not be granted contrary to the Statute of 2 Edw. 3. cap. 2.

No. 3.

- 14 Edward III. stat. 1. c. 13.—No Pardon for Felony, but where the King may do it saving his Oath.

No. 4.

- 27 Edward III. c. 2.—In a Pardon of Felony the Suggestions and Suggestor's Name shall be comprised.

No. 5.

- Richard II. st. 2. c. 1.—In a Pardon of Murder, Treason, or Rape, the Offence committed shall be specified. The Forciture of him at whose Suit such a Pardon is obtained.

No. 6.

- 16 Richard II. c. 6.—A Repeal of the Part of the Statute of 13 R. 2. stat. 2. c. 1. touching his Forfeiture that obtaineth a Pardon.

No. 7.

- 5 Henry VIII. c. 8.—Every Person that will sue for the King's Pardon granted upon certain Articles, shall have it.

No. 8.

- 5 William and Mary, c. 13.—An Act to repeal the Statute made in the tenth Year of King *Edward* the Third, for finding Sureties for the good abearing, by him or her, that hath a Pardon of Felony.

WHEREAS by one Act made at the Parliament holden in the tenth Year of the Reign of *Edward* the Third, it was amongst other Things enacted, That in case the King should grant any Charters of Pardon, of Man-

No. 8.
William and
Mary, c. 13.
10 Ed. 3. stat.
1; c. 3.

No. 8. slaughter, Robbery, Felonies, and other Trespasses against the Peace, that, within three Months after the making the same, they that should have the said Charters, shd come and find (before the Sheriffs and Coroners of the Counties where the Felonies were done) six good and sufficient Main-prizes, for whom the said Sheriffs and Coroners would answer, that they from thenceforth should bear themselves well and lawfully; and that the Main-prizes should be sealed with their Seals, and returned into Chancery within three Weeks after the End of the said three Months; and that if they that should have such Charters would, in Time to come aid themselves thereby, and should not find such Main-prizes, or after such Main-prize found, should bear themselves otherwise against the Peace than they ought, their Charters should be holden for none; which Statute hath been found very inconvenient, in relation to divers Persons who have been esteemed fit Objects of Mercy; and therefore the said Statute hath been seldom put in Practice, but for the most Part hath been dispensed withal in the Charters of Pardons that were granted in former Reigns: And forasmuch as by one Act, made in the first Year of their now Majesties Reign, intituled, "An Act for declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown," it was enacted, That from and after that Session of Parliament, no Dispensation by *Non obstante* of or to any Statute, or any Part thereof, should be allowed, but that the same should be held void and of none Effect; whereby divers of their Majesties Subjects are rendered less capable of their Majesties Mercy than before, it being very difficult, if not impossible, to find six substantial Persons who will adventure to be bound for the good behaviour of any Person needing a Pardon during his Life.

^{to Ed. 3. stat. 1.}

^{c. 3. repealed.}

Persons par-doned may be required to give Security for good Behaviour for 7 Years.

II. Be it therefore enacted by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That the said Act, made in the tenth Year of King Edward the Third, and every Article and Clause therein, shall be and are repealed and annulled, and are hereby declared to be repealed and annulled to all Intents and Purposes whatsoever, Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Charter of Pardon be pleaded by any Person for any Felony, the Justices, before whom such Pardon shall be pleaded, may, at their Discretion, remand or commit such Person to Prison, there to remain until he or she shall enter into a Recognizance, with two sufficient Sureties, for his or her being of the good Behaviour for any Time not exceeding seven Years. Provided, That if any such Charter of Pardon be pleaded by a Feme Covert, or Infant, such Feme Covert or Infant may find two sufficient Sureties, who shall enter into a Recognizance for him or her being of the good Behaviour as is aforesaid.

No. 9.

- 20 George II. c. 52.—An Act for the King's most Gracious, General and Free Pardon.*

* This is the last Act of General Pardon. Such Acts, in some of the earlier Reigns, particularly those of Elizabeth and James the First, are very frequent.—The Exceptions in 20th. Geo. II. are so numerous, that it is difficult to find what Cases it really embraced, except that of Exercising a Trade without having served an Apprenticeship.

(L)

MISCELLANEOUS INCIDENTS.

No. 1.

- 9 Edward II. c. 10.—They that abjure the Realm shall be in Peace, so long as they be in the Church or Highway.

No. 2.

- 9 Edward II. c. 15.—A Clerk fleeing into the Church for Felony, shall not be compelled to abjure.

No. 3.

- 9 Edward III. stat. 1. c. 5.—Which Justices shall send their Records and Process determined into the Exchequer.

No. 4.

- 21 Henry VIII. c. 2.—Abjured Persons shall be marked in the right Hand with the Sign of an A.

No. 5.

- 22 Henry VIII. c. 14.—How Persons committing Petit Treason, Murther, or Felony, shall abjure.

No. 6.

27 Henry VIII. c. 19.—An Act limiting an Order for Sanctuaries and Sanctuary Persons.

No. 7.

32 Henry VIII. c. 19.—An Act concerning Sanctuaries, Privileges of Churches and Church Yards.

No. 8.

25 George II. c. 36.—An Act for the better preventing Thefts and Robberies, and for regulating Places of Publick Entertainment, and punishing Persons keeping disorderly Houses.

[Inserted Class XXII. No. 10.]

[XI. In Prosecutions for Felony, Court may make Orders for Payment of the Prosecutor's Expenses; Clerk's Fee for such Order.—County Treasurer to pay the Order.]

No. 9.

27 George II. c. 3.—An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons.

[Inserted Pt. VI. Cl. IX. No. 2.]

No. 10.

18 George III. c. 19.—An Act for the Payment of Costs to Parties, on Complaints determined before Justices of the Peace out of Sessions; for the Payment of the Charges of Constables in certain Cases; and for the more effectual Payment of Charges to Witnesses and Prosecutors of any Larceny, or other Felony.*

[Inserted Pt. VI. Cl. IX. No. 2.]

See *Rex v. Johnson*, 4 M. and S. 515.

A D D E N D A.

PART V:

CLASS I.—RELIGION AND ECCLESIASTICAL AUTHORITY.

No. 95.

- 1 Richard II. stat. 2. c. 5.—Sheriffs commissioned to apprehend Preachers of Heresy, and their Abettors. The Enormities ensuing the Preaching of Heresies.

No. 96.

- 2 Henry IV. c. 15.—The Orthodoxy of the Faith of the Church of *England* asserted, and Provision made against the Oppugners of the same, with the Punishment of Heretics.

No. 97.

- 1 and 2 Philip and Mary, c. 8.—An Act repealing all Articles and Provisions made against the See Apostolick of *Rome*, since the twentieth Year of King *Henry* the Eighth, and for the Establishment of all Spiritual and Ecclesiastical Possessions and Hereditaments conveyed to the Laity.

CLASS II.—TREASON, &c.

No. 67.

- 52 George III. c. 156.—An Act for the more effectual Punishment of Persons aiding Prisoners of War to escape from his Majesty's Dominions.—[29th. July 1812.]

- WHEREAS many Prisoners of War confined and on Parole in different Parts of his Majesty's Dominions have of late escaped by the Aid and Assistance of many of

No. 67.
52 George III.
c. 156.

No. 67. 'his Majesty's Subjects and others; and it is necessary to
 52 George III. 'repress such Practices and Violations of the Allegiance due
 c. 156. 'to his Majesty and of the Law by more effectual Punishment;' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person who shall, from and after the passing of this Act, knowingly and wilfully aid or assist any Alien Enemy of his Majesty, being a Prisoner of War in his Majesty's Dominions, whether

Aiding Prisoners of War to escape.

such Prisoner shall be confined as a Prisoner of War in any Prison or other Place of Confinement, or shall be suffered to be at large in his Majesty's Dominions or any Part thereof on his Parole, to escape from such Prison or other Place of Confinement, or from his Majesty's Dominions, if at large upon Parole, shall, upon being convicted thereof, be adjudged guilty of Felony, and be liable to be transported as a Felon, for Life, or for such Term of fourteen or seven Years, as the Court before whom such Person shall be convicted shall adjudge.

Transportation.

Aiding though not assisting Prisoners in quitting Coast.

II. Provided always, and be it further enacted, That every Person who shall knowingly and wilfully aid or assist any such Prisoner at large on Parole in quitting any Part of his Majesty's Dominions where he may be on his Parole, although he shall not aid or assist such Person in quitting the Coast of any Part of his Majesty's Dominions, shall be deemed guilty of aiding the Escape of such Person under the Provisions of this Act.

Assisting on High Seas Prisoners to escape.

III. And be it further enacted, That if any Person or Persons owing Allegiance to his Majesty, after any such Prisoner as aforesaid hath quitted the Coast of any Part of his Majesty's Dominions in such his Escape as aforesaid, shall knowingly and wilfully upon the High Seas aid or assist such Prisoner in his Escape to or towards any other Dominions or Place, such Person shall also be adjudged guilty of Felony, and be liable

Transportation. to be transported as aforesaid; and such Offences committed upon the High Seas and not within the Body of any County, shall and may be enquired of, tried, heard, determined and Offences where adjudged in any County within the Realm, in like manner as tried.

Offences tried otherwise than under Provisions of Act.

IV. And be it also enacted, That this Act shall not be deemed or taken to prevent any Person, committing any Offence mentioned in this Act, from being prosecuted, in such manner as he might by Law have been prosecuted if this Act had not passed; but nevertheless no Person prosecuted otherwise than under the Provisions of this Act, shall be liable to be prosecuted for the same Offence under the Provisions hereof, and no Person prosecuted under the Provisions of this Act shall for the same Offence be liable to be otherwise prosecuted.

CLASS III.—COIN — TOKENS.

No. 82.

14 George III. c. 42.—An Act to prohibit the Importation of light Silver Coin, of this Realm, from Foreign Countries, into *Great Britain or Ireland*; and to restrain the Tender thereof beyond a certain Sum.

No. 83.

57 George III. c. 46.—An Act to prevent the issuing and circulating of Pieces of Copper or other Metal, usually called Tokens.—[27th. June 1817.]

WHEREAS various Pieces of Copper, and mixed Metals composed in Part of Copper, usually denominated Tokens, have lately been and are issued and circulated, by Persons residing in various Parts of the United Kingdom, in great Quantities, as Money, and for a nominal Value of the Metals of which they are composed: And whereas it is expedient that the further making and issuing of such Tokens should be prohibited, and that the Circulation of those already made or issued should also be prohibited after a limited Period: Be it enacted, &c. That from and after the passing of this Act no Piece of Copper, or mixed Metal composed in Part of Copper, of whatever Value the same may be, shall be made or manufactured or originally issued as a Token for Money, or as purporting that the Bearer or Holder thereof is intituled to demand any Value denoted thereon, either by Letters, Words, Figures, Marks, or otherwise, whether such Value is to be paid or given in Money or Goods, or in any Manner whatsoever; and or issued, every Person who shall, after the passing of this Act, make or manufacture or originally issue, or cause or procure to be made, manufactured, or originally issued, or permit or suffer to be so issued, on his or her Behalf, as for nominal Value in Money or Goods, any such Token, shall for every Token so made, manufactured, or issued, or procured or permitted to be so made, manufactured, or issued as aforesaid, forfeit any Sum not less than one Pound nor more than five, at the Discretion of the Justices or Justices of the Peace who shall hear and determine such Offence.

II. And be it further enacted, That from and after the first Day of January one thousand eight hundred and eighteen, no Piece of Copper, or of any mixed Metal composed partly of Copper, of whatever Value the same may be, shall pass or circulate as a Token for Money, or as purporting that the

No. 83.
57 George III.
c. 46.

No Copper
Tokens to be
made,

No. 83. Bearer or Holder thereof is intitled to demand any Value denoted thereon, either by Letters, Words, Figures, Marks, or otherwise, whether such Value is to be paid or given in Money or Goods, or other Value, or in any Manner whatsoever; and every Person who shall, after the said first of January one thousand eight hundred and eighteen, circulate or pass, a for any nominal Value in Money or Goods, any such Token, shall for every such Token so circulated or passed, whether such Person shall be or have been concerned in the original Issuing or Circulation of any such Token, or only the Bearer or Holder thereof for the Time being, forfeit any Sum not less than two Shillings nor more than ten Shillings, at the Discretion of the Justice or Justices of the Peace who shall hear and determine such Offence; provided that nothing in this Act contained shall extend or be construed to extend to prevent any Person from presenting any such Token for Payment to the original Issuer thereof, or to discharge or excuse any such original Issuer from his Liability to pay the same: Provided always, that nothing in this Act contained shall be construed as affecting any Tokens which have been or may be issued by the Bank of England.

[Sections 3, 4, 5, 6, 7 and 8, relate to particular Tokens issued at Sheffield and Birmingham.]

Justices to determine Offences.

IX. And be it further enacted, That it shall be lawful for any Justice or Justices of the Peace acting for the County, Riding, City, or Place within which any Offence against this Act shall be committed, to hear and determine the same in a summary Way; and such Justice or Justices, upon any Information exhibited, or Complaint made upon Oath in that Behalf, shall summon the Party accused, and also the Witnesses on either Side, and shall examine into the Matter of Fact; and upon due Proof made thereof, either by the voluntary Confession of the Party, or by the Oath of one or more credible Witness or Witnesses or otherwise (which Oath such Justice or Justices is or are hereby authorized to administer), shall convict the Offender, and adjudge the Penalty for such Offence.

Penalty on Witnesses not attending to give Evidence.

X. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before such Justice or Justices, either on the Part of the Prosecutor or the Person accused, and shall neglect or refuse to appear at the Time or Place to be for that Purpose appointed, without a reasonable Excuse for such his Neglect or Refusal, to be allowed by such Justice or Justices, then such Person shall forfeit for every such Offence the Sum of fifty Pounds, to be levied and paid in such Manner and by such Means as are directed for Recovery of other Penalties under this Act.*

Conviction.

XI. And be it further enacted, That the Justice or Justices before whom any Offender shall be convicted as aforesaid, shall cause the said Conviction to be made out in the Manner and Form following; (that is to say),

BE it remembered, That on the Day of No. 83.
 in the Year of our Lord A. B. having appeared ^{at} George III;
 before me [or us] one [or more] of his Majesty's Justices of c. 46.
 the Peace [as the Case may be] for the County, Riding, City,
 or Place, [as the Case may be] and due Proof having been
 made upon Oath by one or more credible Witness or Wit-
 nesses, or by Confession of the Party [as the Case may be]
 is convicted of [specifying the Offence], in the Sum of
 Given under my Hand and Seal [or our Hands and Seals]
 the Day and Year aforesaid.

Which Conviction the said Justice or Justices shall cause to be returned to the then next General Quarter Sessions of the Peace of the County, City, Riding, or Place where such Conviction was made, to be filed by the Clerk of the Peace, to remain and be kept among the Records of such County, Riding, City, or Place.

XII. Provided always, and be it further enacted, That it shall be lawful for any Clerk of the Peace for any County, Riding, City or Place, and he is hereby required, upon Application made to him by any Person or Persons for that Purpose, to cause a Copy or Copies of any Conviction or Convictions filed by him under the Directions of this Act, to be forthwith delivered to such Person or Persons upon Payment of one Shilling for every such Copy.

XIII. And be it further enacted, That the pecuniary Recovery and Penalties and Forfeitures hereby incurred and made payable upon any Conviction against this Act, shall be forthwith paid by the Person convicted, as follows; one Moiety of the Forfeiture to the Informer, and the other Moiety to the Poor of the Parish or Place where the Offence shall be committed; and in case such Person shall refuse or neglect to pay the same, or to give sufficient Security to the Satisfaction of such Justice or Justices to prosecute any Appeal against such Conviction, such Justice or Justices shall by Warrant under his or their Hand and Seal, or Hands and Seals, cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, returning the Overplus (if any) to the Owner; and which said Warrant of Distress the said Justice or Justices shall cause to be made out in the Manner and Form following; (that is to say),

To the Constable, Headborough, or Tithingman of WHEREAS A. B. of in the County of ^{Wa}
 is this Day convicted before me [or us] one [or
 more] of his Majesty's Justices of the Peace [as the Case may
 be] for the County of [or, for the Riding of
 the County of York, or, for the Town, Liberty, or District
 of [as the Case may be] upon the Oath of
 or, a credible Witness or Witnesses [or, by Con-
 fession of the Party, [as the Case may be] for that the said

No. 83. *A. B.* hath [here set forth the Offence] contrary to the Statute
 57 George III. c. 46. in that Case made and provided, by reason whereof the said
A. B. hath forfeited the Sum of to be distributed
 as herein is mentioned, which he hath refused to pay:
 These are therefore in his Majesty's Name to command you
 to levy the said Sum of by Distress of the
 Goods and Chattels of him the said *A. B.*; and if within the
 Space of Days next after such Distress by you taken,
 the said Sum, together with reasonable Charges of taking
 the same, shall not be paid, then that you do sell the said
 Goods and Chattels so by you distrained, and out of the
 Money arising by such Sale, that you do pay one-half of the
 said Sum of to of who informed
 me [or us, as the Case shall be] of the said Offence, and the
 other Half of the said Sum of to the Overseer of
 the Poor of the Parish [Township or Place] where the
 Offence was committed, to be employed for the Benefit of
 such Poor, returning the Overplus (if any) upon Demand to
 the said *A. B.* the reasonable Charges of taking, keeping,
 and selling the said Distress being first deducted; and if
 sufficient Distress cannot be found of the Goods and Chattels
 of the said *A. B.* whereon to levy the said Sum of
 that then you certify the same to me [or, us, as the Case shall
 be] together with this Warrant. Given under my Hand and
 Seal, [or, our Hands and Seals] the Day of
 in the Year of our Lord

For detaining
 Offenders till
 Return of
 Warrant.

XIV. And be it further enacted, That it shall be lawful
 for such Justice or Justices to order such Offender to be detained
 in safe Custody until Return may conveniently be had and
 made to such Warrant of Distress, unless the Party so con-
 victed shall give sufficient Security to the Satisfaction of such
 Justice or Justices for his Appearance before the said Justice
 or Justices, on such Day as shall be appointed by the said
 Justice or Justices for the Day of the Return of the said War-
 rant of Distress (such Day not exceeding five Days after the
 taking of such Security), which Security the said Justice or
 Justices is and are hereby empowered to take, by way of
 Recognizance or otherwise.

Commital of
 Defaulters.

XV. And be it further enacted, That if upon such Return
 no sufficient Distress can be had, then and in such Case the
 said Justice or Justices shall and may commit such Offender to
 the Common Gaol or House of Correction of the County,
 Riding, Division or Place where the Offence shall be com-
 mitted, for the Space of one Calendar Month, unless the Mo-
 ney forfeited shall be sooner paid, or unless or until such Offen-
 der, thinking him or herself aggrieved by such Conviction,
 shall give Notice to the Informer that he or she intends to
 appeal to the Justices of the Peace at the next General Quar-
 ter Sessions of the Peace to be holden for the County, Riding,
 or Place wherein the Offence shall be committed, and shall
 enter into Recognizance before some Justice or Justices, with

two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and pay such Costs as shall be awarded ^{57 George III.} by the Justices at such Quarter Sessions; which Notice of Appeal being not less than eight Days before such Quarter Sessions, such Person so aggrieved is hereby empowered to give; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

XVI. And be it further enacted, That no Person shall be Competency of disabled from being a Witness in any Prosecution for any Offence against this Act, by reason of his being an Inhabitant of the Parish wherein such Offence was committed: Provided always, that no Proceeding to be had touching the Conviction to be removed or Convictions of any Offender or Offenders against this Act shall be quashed or vacated for want of Form, or be removed by Writ of *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, or elsewhere.

[XVII. Limitation of Actions (three Months).—General Issue.—Treble Costs.]

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Copper Monies of the Realm now current, or to be current, by Virtue of any Proclamation or Proclamations that shall have been or may be issued by his Majesty.

CLASS VI. — RIOT, &c.

No. 67.

57 George III. c. 126.—An Act to repeal an Act, passed in the fifty-fourth Year of his present Majesty, for the Punishment of Persons destroying Stocking or Lace Frames, and Articles in such Frames; and to make, until the first Day of *August* one thousand eight hundred and twenty, other Provisions in lieu thereof.—[11th. July 1817.]

[I. 52 G. 3. c. 16. 54 G. 3. c. 42. 54 G. 3. c. 42. repealed.]

II. AND be it further enacted, That from and after the passing of this Act, if any Person or Persons shall ^{57 George III.} by Day or by Night enter by force into any House, Shop, or Place with an Intent to cut or destroy any Framework knitted

No. 67.

c. 126.

No. 67. Pieces, Stockings, Lace, or other Articles or Goods, being in
S^r George III. the Frame, or upon any Machine or Engine thereto annexed,
c. 116. or therewith to be used or prepared for that Purpose, or with
Persons de- an Intent to break or destroy any Frame, Machine, Engine,
stroying Ma- Tool, Instrument, or Utensil used in and for the working
chinery or and making of any such Framework knitted Pieces, Stockings,
Goods therein Lace, or other Articles or Goods in the Hosiery or Framework
to be deemed knitted Manufactory, or shall wilfully and maliciously, and
guilty of without having the Consent or Authority of the Owner, destroy
Felony. or cut, with an Intent to destroy or render useless, any Framework
knitted Pieces, Stockings, Lace, or other Articles or
Goods, being in the Frame or upon any Machine or Engine as
aforesaid, or prepared for that Purpose, or shall wilfully and
maliciously, and without having the Consent or Authority of
the Owner, break, destroy, damage, with an Intent to
destroy or render useless, any Frame, Machine, Engine, Tool,
Instrument, or Utensil used in and for the working and making
of any such Framework knitted Pieces, Stockings, Lace, or
other Articles or Goods in the Hosiery or Framework knitted
Stockings, or Framework Lace Manufactory, or shall wilfully
and maliciously, and without having the Consent or Authority
of the Owner, break or destroy any Machinery contained in
any Mill or Mills used or any way employed in preparing or
spinning of Wool or Cotton, or other Materials, for the Use of
the Stocking or Lace Manufactory, every Offender being
thereof lawfully convicted shall be adjudged guilty of Felony,
and shall suffer Death as in Cases of Felony without Benefit of
Clergy.

Continuance
of Act.

III. And be it further enacted, That this Act shall con-
tinue and be in force until the first Day of August which will be
in the Year of our Lord one thousand eight hundred and
twenty.

